

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 360

Introduced by Cavanaugh, M., 6.

Read first time January 12, 2023

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to government; to amend sections 81-8,241,
2 81-8,244, and 81-8,245, Revised Statutes Cumulative Supplement,
3 2022; to adopt the Office of Inspector General of Nebraska
4 Procurement Act; to change provisions relating to the Public
5 Counsel; to harmonize provisions; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 18 of this act shall be known and may be
2 cited as the Office of Inspector General of Nebraska Procurement Act.

3 Sec. 2. (1) The purpose of the Office of Inspector General of
4 Nebraska Procurement Act is to deter and identify fraud, waste, and abuse
5 in the state's procurement system across all state agencies.

6 (2) It is the intent of the Legislature to:

7 (a) Establish a full-time program of investigation and performance
8 review to provide increased accountability and oversight of state
9 government contracts;

10 (b) Assist in improving the state's procurement management;

11 (c) Provide an independent form of inquiry for concerns regarding
12 the actions of vendors and agencies responsible for the selection,
13 execution, and management of state contracts; and

14 (d) Provide a process for investigation and review to determine if
15 individual complaints and issues of investigation and inquiry reveal a
16 problem in the state's procurement system, not just individual cases,
17 that necessitates legislative action for improved policies and
18 restructuring of state contracting.

19 (3) It is not the intent of the Legislature in enacting the Office
20 of Inspector General of Nebraska Procurement Act to interfere with the
21 duties of the Legislative Auditor or the Legislative Fiscal Analyst or to
22 interfere with the statutorily defined investigative responsibilities or
23 prerogatives of any officer, agency, board, bureau, commission,
24 association, society, or institution of the executive branch of state
25 government, except that the act does not preclude an inquiry on the sole
26 basis that another agency has the same responsibility. The act shall not
27 be construed to interfere with or supplant the responsibilities or
28 prerogatives of the Governor to investigate, monitor, and report on the
29 activities of the agencies, boards, bureaus, commissions, associations,
30 societies, and institutions of the executive branch under his or her
31 administrative direction.

1 Sec. 3. For purposes of the Office of Inspector General of Nebraska
2 Procurement Act, the following definitions apply:

3 (1) Administrator means a person charged with administration of a
4 program, an office, or a division of a state agency or contracting
5 entity;

6 (2) Contracting entity means any person that enters into a
7 contractual agreement with the State of Nebraska, and includes both
8 private, public, and quasi-governmental entities;

9 (3) Director means the leader of a state agency, including, but not
10 limited to, a chief executive officer, executive director, commissioner,
11 or chair;

12 (4) Inspector General means the Inspector General of Nebraska
13 Procurement appointed under section 4 of this act;

14 (5) Malfeasance means a wrongful act that the actor has no legal
15 right to do or any wrongful conduct that affects, interrupts, or
16 interferes with performance of an official duty;

17 (6) Management means supervision of subordinate employees;

18 (7) Misfeasance means the improper performance of some act that a
19 person may lawfully do;

20 (8) Obstruction means hindering an investigation, preventing an
21 investigation from progressing, stopping or delaying the progress of an
22 investigation, or making the progress of an investigation difficult or
23 slow;

24 (9) Office means the office of Inspector General of Nebraska
25 Procurement and includes the Inspector General and other employees of the
26 office;

27 (10) Procurement system means the process by which state agencies
28 acquire goods and services and participate in the process of contract
29 management and monitoring with the State of Nebraska, including the pre-
30 award, award, and post-award stages. This includes contracts and
31 addendums entered into on an emergency basis;

1 (11) Record means any recording, in written, audio, electronic
2 transmission, or computer storage form, including, but not limited to, a
3 draft, memorandum, note, report, computer printout, notation, or message,
4 and includes, but is not limited to, medical records, mental health
5 records, case files, clinical records, financial records, and
6 administrative records;

7 (12) Responsible individual means an employee of a state agency or
8 contracting entity responsible for the care or custody of records,
9 documents, and files; and

10 (13) State agency means any state government entity within the
11 executive branch of government, including, but not limited to, a
12 department, division, office, commission, board, or bureau.

13 Sec. 4. (1) The office of Inspector General of Nebraska Procurement
14 is created within the office of Public Counsel for the purpose of
15 conducting investigations, audits, inspections, and other reviews of the
16 Nebraska procurement system. The Inspector General shall be appointed by
17 the Public Counsel with approval from the chairperson of the Executive
18 Board of the Legislative Council and the chairperson of the
19 Appropriations Committee of the Legislature.

20 (2) The Inspector General shall be appointed for a term of five
21 years and may be reappointed. The Inspector General shall be selected
22 without regard to political affiliation and on the basis of integrity,
23 capability for strong leadership, and demonstrated ability in accounting,
24 auditing, financial analysis, law, management analysis, public
25 administration, investigation, or government procurement or other closely
26 related fields. Not later than two years after the date of appointment,
27 the Inspector General shall obtain certification as a Certified Inspector
28 General by the Association of Inspectors General, its successor, or
29 another nationally recognized organization that provides and sponsors
30 educational programs and establishes professional qualifications,
31 certifications, and licensing for inspectors general. During the

1 Inspector General's employment, the Inspector General shall not be
2 actively involved in partisan affairs.

3 (3) The Inspector General shall employ such investigators and
4 support staff as the Inspector General deems necessary to carry out the
5 duties of the office within the amount available by appropriation through
6 the office. The Inspector General shall be subject to the control and
7 supervision of the Public Counsel, except that removal of the Inspector
8 General shall require approval of the chairperson of the Executive Board
9 of the Legislative Council and the chairperson of the Appropriations
10 Committee of the Legislature.

11 Sec. 5. (1) The office shall:

12 (a) Investigate allegations or incidents of possible fraud, waste,
13 abuse, misconduct, misfeasance, malfeasance, or violations of statutes or
14 of rules or regulations related to any point in the procurement process
15 of a state agency or a contracting entity entering into a contractual
16 agreement with the State of Nebraska; and

17 (b) Audit, inspect, evaluate, investigate, and inspect activities,
18 records and individuals involved with contracts, procurements, grants,
19 agreements, or other financial arrangements with any state agency.

20 (2) Notwithstanding the fact that a criminal investigation, a
21 criminal prosecution, or both are in progress, all law enforcement
22 agencies and prosecuting attorneys shall cooperate with any investigation
23 conducted by the Inspector General and shall, immediately upon request by
24 the Inspector General, provide the Inspector General with copies of all
25 law enforcement reports which are relevant to the Inspector General's
26 investigation. All law enforcement reports which have been provided to
27 the Inspector General pursuant to this section are not public records for
28 purposes of sections 84-712 to 84-712.09 and shall not be subject to
29 discovery by any other person or entity. Except to the extent that
30 disclosure of information is otherwise provided for in the Office of
31 Inspector General of Nebraska Procurement Act, the Inspector General

1 shall maintain the confidentiality of all law enforcement reports
2 received pursuant to its request under this section. Law enforcement
3 agencies and prosecuting attorneys shall, when requested by the Inspector
4 General, collaborate with the Inspector General regarding all other
5 information relevant to the Inspector General's investigation. If the
6 Inspector General, in conjunction with the Public Counsel, determines it
7 appropriate, the Inspector General may, when requested to do so by a law
8 enforcement agency or prosecuting attorney, suspend an investigation by
9 the office until a criminal investigation or prosecution is completed or
10 has proceeded to a point that, in the judgment of the Inspector General,
11 reinstatement of the Inspector General's investigation will not impede or
12 infringe upon the criminal investigation or prosecution.

13 Sec. 6. (1) Complaints to the office may be made in writing. The
14 office shall also maintain a toll-free telephone line for complaints. A
15 complaint shall be evaluated to determine if it alleges possible fraud,
16 waste, abuse, misconduct, misfeasance, malfeasance, or violation of a
17 statute or of rules and regulations pursuant to section 5 of this act.
18 All complaints shall be evaluated to determine whether a full
19 investigation is warranted.

20 (2) The office shall not conduct a full investigation of a complaint
21 unless:

22 (a) The complaint alleges fraud, waste, abuse, misconduct,
23 misfeasance, malfeasance, or violation of a statute or of rules and
24 regulations pursuant to section 5 of this act;

25 (b) The complaint is against a person or agency within the
26 jurisdiction of the office; and

27 (c) The allegations can be independently verified through
28 investigation.

29 (3) The Inspector General shall determine within fourteen days after
30 receipt of a complaint whether it will conduct a full investigation.

31 Sec. 7. (1) The office shall have access to all information and

1 personnel necessary to perform the duties of the office.

2 (2) All employees of the state agencies and all owners, operators,
3 managers, supervisors, and employees of contracting entities, and other
4 providers of procurement services shall cooperate with the office.

5 Cooperation includes, but is not limited to, the following:

6 (a) Provision of full access to and production of records and
7 information. Providing access to and producing records and information
8 for the office is not a violation of confidentiality provisions under any
9 law, statute, rule, or regulation if done in good faith under the Office
10 of Inspector General of Nebraska Procurement Act;

11 (b) Fair and honest disclosure of records and information reasonably
12 requested by the office under the act;

13 (c) Encouraging employees to fully comply with reasonable requests
14 of the office in the course of an investigation under the act;

15 (d) Prohibition of retaliation by directors, owners, operators, or
16 managers against employees for providing records or information or filing
17 or otherwise making a complaint to the office; and

18 (e) Not requiring employees to gain supervisory approval prior to
19 filing a complaint with or providing records or information to the
20 office.

21 Sec. 8. The Inspector General may issue a subpoena, enforceable by
22 action in an appropriate court, to compel any person to appear, give
23 sworn testimony, or produce documentary or other evidence deemed relevant
24 to a matter under inquiry. A person thus required to provide information
25 shall be paid the same fees and travel allowances and shall be accorded
26 the same privileges and immunities as are extended to witnesses in the
27 district courts of this state and shall also be entitled to have personal
28 counsel present while being questioned. Any fees associated with counsel
29 present under this section shall not be the responsibility of the office.

30 Sec. 9. (1) A full investigation conducted by the office shall
31 consist of access to and retrieval of all relevant records through

1 subpoena, compliance with a request of the office, or voluntary
2 production; review of all relevant records; and interviews of all
3 relevant persons. The office may request or subpoena any record necessary
4 for the investigation from a state agency or a contracting entity that is
5 pertinent to an investigation. All case files, licensing files, financial
6 and administrative records, and records required to be maintained
7 pursuant to applicable rules or regulations shall be produced for review
8 by the office in the course of an investigation.

9 (2) Compliance with a request of the office includes:

10 (a) Production of all records requested;

11 (b) A diligent search to ensure that all appropriate records are
12 included;

13 (c) A continuing obligation to immediately forward to the office any
14 relevant records received, located, or generated after the date of the
15 request;

16 (d) Provision of complete and truthful answers to questions posed by
17 the office in the course of an investigation; and

18 (e) Not willfully interfering with or obstructing the investigation.

19 (3) The office shall seek access in a manner that respects the
20 dignity and human rights of all persons involved, maintains the integrity
21 of the investigation, and does not unnecessarily disrupt programs or
22 services. When advance notice to an administrator or the administrator's
23 designee is not provided, the office investigator shall, upon arrival at
24 the state agency office, bureau, or division, the contracting entity, or
25 the location of another provider of procurement services, request that an
26 onsite employee notify the administrator or designee of the
27 investigator's arrival.

28 (4) When circumstances of an investigation require, the office may
29 make an unannounced visit to a state agency or a contracting entity to
30 request records relevant to an investigation.

31 (5) A responsible individual or an administrator may be asked to

1 sign a statement of record integrity and security when a record is
2 secured by request as the result of a visit by the office, stating:

3 (a) That the responsible individual or the administrator has made a
4 diligent search to determine that all appropriate records in existence at
5 the time of the request were produced;

6 (b) That the responsible individual or the administrator agrees to
7 immediately forward to the office any relevant records received, located,
8 or generated after the visit;

9 (c) The persons who have had access to the records since they were
10 secured; and

11 (d) Whether, to the best of the knowledge of the responsible
12 individual or the administrator, any records were removed from or added
13 to the record since it was secured.

14 (6) The office shall permit a responsible individual, an
15 administrator, or an employee of a state agency or contracting entity to
16 make photocopies of the original records within a reasonable time in the
17 presence of the office for purposes of creating a working record in a
18 manner that assures confidentiality.

19 (7) The office shall present to the responsible individual or the
20 administrator or other employee of the state agency or contracting entity
21 a copy of the request, stating the date and the titles of the records
22 received.

23 (8) If an original record is provided during an investigation, the
24 office shall return the original record as soon as practical but no later
25 than ten working days after the date of the compliance request.

26 (9) All investigations conducted by the office shall be conducted in
27 a manner designed to ensure the preservation of evidence for possible use
28 in a criminal prosecution.

29 Sec. 10. Failure to cooperate with the office may result in public
30 disclosure of the failure to cooperate.

31 Sec. 11. Any state agency subject to a review, inspection, audit,

1 or investigation under the Office of Inspector General of Nebraska
2 Procurement Act shall provide the Public Counsel and the office with
3 direct computer access to all computerized records, reports, and
4 documents maintained by the state agency in connection with
5 administration of its procurement activities.

6 Sec. 12. (1) The Inspector General's report of an investigation
7 shall be in writing to the Public Counsel and may contain
8 recommendations. The report may recommend systemic reform or case-
9 specific action, including a recommendation for discharge or discipline
10 of employees or for sanctions against a state agency or contracting
11 entity. All recommendations to pursue discipline shall be in writing and
12 signed by the Inspector General. A report of an investigation shall be
13 presented to the director of the state agency that is the subject matter
14 of the report and to the Director of the Nebraska Department of
15 Administrative Services within fifteen days after the report is presented
16 to the Public Counsel.

17 (2) Any person receiving a report under this section shall not
18 further distribute the report or any confidential information contained
19 in the report beyond the state agency or contracting entity that is the
20 subject of the report.

21 (3) A report that identifies fraud, waste, abuse, misconduct,
22 misfeasance, malfeasance, or violation of statute, rules, or regulations
23 by an employee of a state agency or contracting entity that is relevant
24 to providing appropriate supervision of an employee may be shared with
25 the employer of such employee. The employer shall not further distribute
26 the report or any confidential information contained in the report.

27 Sec. 13. (1)(a) Within fifteen business days after a report is
28 presented to a state agency director under section 12 of this act, the
29 director shall determine whether to accept, reject, or request
30 modification of the recommendations contained in the report. The response
31 shall be in writing and may include corrections of factual errors. The

1 Inspector General, with input from the Public Counsel, may consider the
2 director's request for modifications but is not obligated to accept such
3 request. Such report shall become final upon:

4 (i) The decision of the director to accept or reject the
5 recommendations in the report; or

6 (ii) Within fifteen days after the director requests modifications,
7 or after the Inspector General incorporates such modifications, whichever
8 occurs earlier.

9 (b) If the Inspector General does not accept the requested
10 modification, the recommendation for which a modification was requested
11 shall be considered to be rejected by the director.

12 (2) After the recommendations have been accepted, rejected, or
13 modified, the report shall be presented to the contracting entity that is
14 the subject of the report and to persons involved in the implementation
15 of the recommendations in the report. Within thirty days after receipt of
16 the report, the contracting entity may submit a written response to the
17 office to correct any factual errors in the report and shall determine
18 whether to accept, reject, or request in writing modification of the
19 recommendations contained in the report. The Inspector General, with
20 input from the Public Counsel, shall consider all materials submitted
21 under this subsection to determine whether a corrected report shall be
22 issued. If the Inspector General determines that a corrected report is
23 necessary, the corrected report shall be issued within fifteen business
24 days after receipt of the written response.

25 (3) If the Inspector General does not issue a corrected report
26 pursuant to subsection (2) of this section, or if the corrected report
27 does not address all issues raised in the written response, the
28 contracting entity may request that its written response, or portions of
29 the response, be appended to the report or corrected report.

30 Sec. 14. (1) Reports of investigations conducted by the office
31 shall not be distributed beyond the state agency or contracting entity

1 that is the subject of the report without the consent of the Inspector
2 General.

3 (2) The office shall redact confidential information before
4 distributing a report of an investigation.

5 (3) The office may disclose confidential information to the
6 chairperson of the Appropriations Committee of the Legislature and to the
7 chairperson of the appropriate subject matter committee of the
8 Legislature when such disclosure is, in the judgment of the Public
9 Counsel, desirable to keep the chairperson informed of important events,
10 issues, and developments in the Nebraska procurement system.

11 (4)(a) A summarized final report based on an investigation may be
12 publicly released in order to bring awareness to systemic issues.

13 (b) Such report shall be released only:

14 (i) After a disclosure is made to the appropriate chairperson or
15 chairpersons pursuant to subsection (3) of this section; and

16 (ii) If a determination is made by the Inspector General with the
17 appropriate chairperson that doing so would be in the best interest of
18 the public.

19 (c) If there is disagreement about whether releasing the report
20 would be in the best interest of the public, the chairperson of the
21 Executive Board of the Legislative Council may be asked to make the final
22 decision.

23 (5) Records and documents, regardless of physical form, that are
24 obtained or produced by the office in the course of an investigation are
25 not public records for purposes of sections 84-712 to 84-712.09. Reports
26 of investigations conducted by the office are not public records for
27 purposes of sections 84-712 to 84-712.09.

28 (6) The office may withhold the identity of sources of information
29 to protect from retaliation any person who files a complaint or provides
30 information in good faith pursuant to the office.

31 Sec. 15. No report or other work product of an investigation by the

1 Inspector General shall be reviewable in any court. Neither the Inspector
2 General nor any member of the Inspector General's staff shall be required
3 to testify or produce evidence in any judicial or administrative
4 proceeding concerning matters within such person's official cognizance
5 except in a proceeding brought to enforce the Office of Inspector General
6 of Nebraska Procurement Act.

7 Sec. 16. The Office of Inspector General of Nebraska Procurement
8 Act does not require the Inspector General to investigate all complaints.
9 The Inspector General, with input from the Public Counsel, shall
10 prioritize and select investigations and inquiries that further the
11 intent of the act and assist in legislative oversight of the Nebraska
12 procurement system. If the Inspector General determines not to
13 investigate a complaint, the Inspector General may recommend to the
14 parties alternative means of resolution of the issues in the complaint.

15 Sec. 17. On or before September 15, 2024, and on or before each
16 September 15 thereafter, the Inspector General shall provide to the
17 Appropriations Committee of the Legislature and the Governor a summary of
18 reports and investigations made under the act for the preceding year. The
19 summary provided to the committee shall be provided electronically. The
20 summary shall detail recommendations and the status of implementation of
21 recommendations and may also include recommendations regarding issues
22 discovered through investigation, audits, inspections, and reviews by the
23 office that will increase accountability and legislative oversight of the
24 Nebraska procurement system, improve procurement operations, or deter and
25 identify fraud, waste, abuse, and illegal acts. The summary shall not
26 contain any confidential information.

27 Sec. 18. Any person who has authority to recommend, approve,
28 direct, or otherwise take or affect personnel action shall not, with
29 respect to such authority:

30 (1) Take personnel action against an employee because of the
31 disclosure of information by the employee to the office which the

1 employee reasonably believes evidences wrongdoing under the Office of
2 Inspector General of Nebraska Procurement Act;

3 (2) Take personnel action against an employee as a reprisal for the
4 submission of an allegation of wrongdoing under the act to the office by
5 such employee; or

6 (3) Take personnel action against an employee as a reprisal for
7 providing information or testimony pursuant to an investigation by the
8 office.

9 Sec. 19. Section 81-8,241, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 81-8,241 The office of Public Counsel is hereby established to
12 exercise the authority and perform the duties provided by sections
13 81-8,240 to 81-8,254, the Office of Inspector General of Nebraska Child
14 Welfare Act, ~~and~~ the Office of Inspector General of the Nebraska
15 Correctional System Act, and the Office of Inspector General of Nebraska
16 Procurement Act. The Public Counsel shall be appointed by the
17 Legislature, with the vote of two-thirds of the members required for
18 approval of such appointment from nominations submitted by the Executive
19 Board of the Legislative Council.

20 Sec. 20. Section 81-8,244, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 81-8,244 (1)(a) The Public Counsel may select, appoint, and
23 compensate as he or she sees fit, within the amount available by
24 appropriation, such assistants and employees as he or she deems necessary
25 to discharge the responsibilities under sections 81-8,240 to 81-8,254. He
26 or she shall appoint and designate one assistant to be a deputy public
27 counsel, one assistant to be a deputy public counsel for corrections, one
28 assistant to be a deputy public counsel for institutions, and one
29 assistant to be a deputy public counsel for welfare services.

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

1 (c) The authority of the deputy public counsel for corrections shall
2 extend to all facilities and parts of facilities, offices, houses of
3 confinement, and institutions which are operated by the Department of
4 Correctional Services and all county or municipal correctional or jail
5 facilities.

6 (d) The authority of the deputy public counsel for institutions
7 shall extend to all mental health institutions and facilities operated by
8 the Department of Health and Human Services, to all veterans institutions
9 operated by the Department of Veterans' Affairs, and to all regional
10 behavioral health authorities that provide services and all community-
11 based behavioral health services providers that contract with a regional
12 behavioral health authority to provide services, for any individual who
13 was a patient within the prior twenty-four months of a state-owned and
14 state-operated regional center, and to all complaints pertaining to
15 administrative acts of the department, authority, or provider when those
16 acts are concerned with the rights and interests of individuals placed
17 within those institutions and facilities or receiving community-based
18 behavioral health services.

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

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

28 (2) The Public Counsel shall appoint the Inspector General of
29 Nebraska Child Welfare as provided in section 43-4317. The Inspector
30 General of Nebraska Child Welfare shall have the powers and duties
31 provided in the Office of Inspector General of Nebraska Child Welfare

1 Act.

2 (3) The Public Counsel shall appoint the Inspector General of the
3 Nebraska Correctional System as provided in section 47-904. The Inspector
4 General of the Nebraska Correctional System shall have the powers and
5 duties provided in the Office of Inspector General of the Nebraska
6 Correctional System Act.

7 (4) The Public Counsel shall appoint the Inspector General of
8 Nebraska Procurement as provided in section 4 of this act. The Inspector
9 General of Nebraska Procurement shall have the powers and duties provided
10 in the Office of Inspector General of Nebraska Procurement Act.

11 Sec. 21. Section 81-8,245, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 81-8,245 The Public Counsel shall have the power to:

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

16 (2) Prescribe the methods by which complaints are to be made,
17 received, and acted upon; determine the scope and manner of
18 investigations to be made; and, subject to the requirements of sections
19 81-8,240 to 81-8,254, determine the form, frequency, and distribution of
20 his or her conclusions, recommendations, and proposals;

21 (3) Conduct inspections of the premises, or any parts thereof, of
22 any administrative agency or any property owned, leased, or operated by
23 any administrative agency as frequently as is necessary, in his or her
24 opinion, to carry out duties prescribed under sections 81-8,240 to
25 81-8,254;

26 (4) Request and receive from each administrative agency, and such
27 agency shall provide, the assistance and information the counsel deems
28 necessary for the discharge of his or her responsibilities; inspect and
29 examine the records and documents of all administrative agencies
30 notwithstanding any other provision of law; and enter and inspect
31 premises within any administrative agency's control;

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

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

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

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

21 (9) Carry out his or her duties under the Office of Inspector
22 General of the Nebraska Correctional System Act. If any of the provisions
23 of sections 81-8,240 to 81-8,254 conflict with the provisions of the
24 Office of Inspector General of the Nebraska Correctional System Act, the
25 provisions of such act shall control;

26 (10) Carry out his or her duties under the Office of Inspector
27 General of Nebraska Procurement Act. If any of the provisions of sections
28 81-8,240 to 81-8,254 conflict with the provisions of the Office of
29 Inspector General of Nebraska Procurement Act, the provisions of such act
30 shall control;

31 (11) (10) Investigate allegations of violation of subsection (2) of

1 section 84-908 by an administrative agency pursuant to a complaint made
2 to his or her office and make a determination as to whether such
3 administrative agency has violated such subsection. The Public Counsel
4 shall report his or her determination in writing to the Governor, the
5 Secretary of State, the Attorney General, the Executive Board of the
6 Legislative Council, and the director or chief executive officer of the
7 agency. The report to the executive board shall be submitted
8 electronically; and

9 (12) ~~(11)~~ Investigate and address the complaint and case of:

10 (a) Any juvenile committed to the custody of a youth rehabilitation
11 and treatment center; and

12 (b) Any juvenile released from a youth rehabilitation and treatment
13 center for reentry into the community, while that juvenile is subject to
14 the Community and Family Reentry Process and a service or treatment
15 program in which the juvenile may be involved after his or her release
16 from a youth rehabilitation and treatment center, whether that service or
17 program is administrated by the Office of Juvenile Services or a private
18 provider in the community. The Office of Juvenile Services and private
19 providers in the community shall cooperate with any investigation
20 conducted by the Public Counsel pursuant to this subdivision and provide
21 all documentation and information requested by the Public Counsel in
22 connection with such an investigation.

23 Sec. 22. Original sections 81-8,241, 81-8,244, and 81-8,245,
24 Revised Statutes Cumulative Supplement, 2022, are repealed.