

AMENDMENTS TO LB298

Introduced by Arch, 14.

1 1. Strike original sections 7, 15, 17, 18, 20, 21, 23, 25, 27, 29,
2 31, 33, 34, 37, 41, 43, 52, 54, 55, 58, 65, 72, 86, 93, and 101 and
3 insert the following new sections:

4 **Sec. 7.** Section 81-8,245, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 ~~81-8,245~~ The Public Counsel shall have the power to:

7 (1) Investigate, on complaint or on the Public Counsel's ~~his or her~~
8 own motion, any administrative act of any administrative agency;

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

15 (3) Conduct inspections of the premises, or any parts of such
16 premises ~~thereof~~, of any administrative agency or any property owned,
17 leased, or operated by any administrative agency as frequently as is
18 necessary, in the Public Counsel's ~~his or her~~ opinion, to carry out
19 duties prescribed under the Office of Public Counsel Act ~~sections~~
20 ~~81-8,240 to 81-8,254~~;

21 (4) Request and receive from each administrative agency, and such
22 agency shall provide, the assistance and information the Public Counsel
23 ~~counsel~~ deems necessary for the discharge of the Public Counsel's ~~his or~~
24 ~~her~~ responsibilities; inspect and examine the records and documents of
25 all administrative agencies notwithstanding any other provision of law;
26 and enter and inspect premises within any administrative agency's
27 control;

1 (5) Request the issuance of Issue a subpoena, enforceable by action
2 in an appropriate court, to compel any person to appear, give sworn
3 testimony, or produce documentary or other evidence deemed relevant to a
4 matter under the Public Counsel's his or her inquiry as provided in
5 section 18 of this act . ~~A person thus required to provide information~~
6 ~~shall be paid the same fees and travel allowances and shall be accorded~~
7 ~~the same privileges and immunities as are extended to witnesses in the~~
8 ~~district courts of this state and shall also be entitled to have counsel~~
9 ~~present while being questioned;~~

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

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

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

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

29 (8) ~~(10)~~ Investigate allegations of violation of subsection (2) of
30 section 84-908 by an administrative agency pursuant to a complaint made
31 to the Public Counsel's ~~his or her~~ office and make a determination as to

1 whether such administrative agency has violated such subsection. The
2 Public Counsel shall report the Public Counsel's ~~his or her~~ determination
3 in writing to the Governor, the Secretary of State, the Attorney General,
4 the Executive Board of the Legislative Council, and the director or chief
5 executive officer of the agency. The report to the executive board shall
6 be submitted electronically; and

7 (9) ~~(11)~~ Investigate and address the complaint and case of:

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

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

21 **Sec. 15.** Section 81-8,253, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 ~~81-8,253~~ (1) No proceeding, opinion, or expression of the Public
24 Counsel shall be reviewable in any court. Neither the Public Counsel nor
25 any member of the Public Counsel's staff shall be required to testify or
26 produce evidence in any judicial or administrative proceeding concerning
27 matters within the Public Counsel's official cognizance, except in a
28 proceeding brought to enforce the Office of Public Counsel Act sections
29 ~~81-8,240 to 81-8,254~~.

30 (2) Reports of investigations conducted by the Public Counsel are
31 not public records for purposes of sections 84-712 to 84-712.09.

1 **Sec. 17.** (1) Except as otherwise provided by law, any confidential
2 information or confidential records shared with the office of Public
3 Counsel shall remain confidential and shall not be shared by an employee
4 of the office with any person who is not an employee of the office,
5 including any member of the Legislative Oversight Committee.

6 (2) The office of Public Counsel and the Division of Legislative
7 Oversight may share confidential information as necessary to carry out
8 the responsibilities of such office and division. Such sharing of
9 confidential information shall include, but not be limited to, the
10 sharing of confidential information when necessary to refer complaints
11 between such office and division and to assist in investigations and the
12 resolution of complaints. The office of Public Counsel and the Division
13 of Legislative Oversight, at the discretion of the Public Counsel and the
14 Director of Legislative Oversight, may coordinate to work jointly on
15 complaints and investigations in circumstances of overlapping
16 jurisdiction.

17 (3) If any employee or former employee of the office of Public
18 Counsel knowingly divulges or makes known, in any manner not permitted by
19 law, confidential information or confidential records, he or she shall be
20 guilty of a Class III misdemeanor and, in the case of an employee, shall
21 be dismissed.

22 **Sec. 18.** (1) At the request of the Public Counsel, the Executive
23 Board of the Legislative Council, by a majority vote, may issue subpoenas
24 in connection with a specific inquiry or investigation undertaken
25 pursuant to the Office of Public Counsel Act to compel the production of
26 records and information and sworn testimony or other evidence deemed
27 relevant to such inquiry or investigation. The executive board shall vote
28 to determine whether to issue a subpoena within ten days after receipt of
29 the request.

30 (2) When authorized to issue subpoenas under this section, the
31 executive board may require any person to provide the records or

1 information requested within thirty days after the request except as
2 provided for in the subpoena or to appear at a hearing on the date set in
3 the subpoena.

4 (3) Litigation to compel or quash compliance with the authority
5 exercised pursuant to this section shall be advanced on the trial docket
6 and heard and decided by the court as quickly as possible. The court
7 shall issue its decision no later than twenty days after the filing of
8 the application or petition or a motion to quash, whichever is filed
9 first. Either party may appeal to the Court of Appeals within ten days
10 after a decision is rendered.

11 (4) The district court of Lancaster County has jurisdiction over all
12 litigation arising under this section. In all such litigation, the
13 executive board shall provide for legal representation for the office.

14 (5) In case of disobedience on the part of any person to comply with
15 any subpoena issued pursuant to this section, the executive board shall
16 vote on whether to find the person in contempt or to find that the
17 failure to comply was not willful.

18 (6) If the executive board finds a person in contempt as provided in
19 subsection (5) of this section, the executive board may, by application
20 or petition to the district court of Lancaster County, request that the
21 court compel obedience by proceedings for contempt as in the case of
22 disobedience of the requirements of a subpoena issued from such court.
23 The application or petition shall be filed by the chairperson of the
24 executive board.

25 (7) A person required to provide information under this section
26 shall be paid the same fees and travel allowances and shall be accorded
27 the same privileges and immunities as are extended to witnesses in the
28 district courts of this state and shall also be entitled to have counsel
29 present while being questioned. Consistent with the Nebraska Rules of
30 Professional Conduct, counsel for the administrative agency that is the
31 subject of an investigation shall not represent a witness. A witness may

1 request that agency counsel be present while being questioned, but the
2 administrative agency shall not require a witness to make such a request.
3 If such a request is made, the administrative agency shall inform the
4 witness that agency counsel does not represent the witness. Any fees
5 associated with counsel present under this section shall not be the
6 responsibility of the office of Public Counsel or the Legislative
7 Council.

8 **Sec. 20.** (1) The Division of Legislative Oversight is established
9 within the Legislative Council. The division shall be responsible for
10 conducting assessments, investigations, audits, inspections, and other
11 reviews of Nebraska state government to ensure the Legislature is able to
12 carry out its responsibilities to secure needed information to legislate
13 and appropriate. The Director of Legislative Oversight shall be
14 responsible for hiring, firing, and supervising division staff.

15 (2) Notwithstanding any other provision of law, the Division of
16 Legislative Oversight shall have access to confidential information and
17 confidential records necessary to carry out its responsibilities.

18 (3) Except as otherwise provided by law, any confidential
19 information or confidential records shared with the Division of
20 Legislative Oversight shall remain confidential and shall not be shared
21 by an employee of the division with any person who is not an employee of
22 the division, including any member of the Legislative Oversight
23 Committee.

24 (4) The Division of Legislative Oversight and the office of Public
25 Counsel may share confidential information as necessary to carry out the
26 responsibilities of such division and office. Such sharing of
27 confidential information shall include, but not be limited to, the
28 sharing of confidential information when necessary to refer complaints
29 between such division and office and to assist in investigations and the
30 resolution of complaints. The Division of Legislative Oversight and the
31 office of Public Counsel, at the discretion of the Director of

1 Legislative Oversight and the Public Counsel, may coordinate to work
2 jointly on complaints and investigations in circumstances of overlapping
3 jurisdiction.

4 (5) If any employee or former employee of the Division of
5 Legislative Oversight knowingly divulges or makes known, in any manner
6 not permitted by law, confidential information or confidential records,
7 he or she shall be guilty of a Class III misdemeanor and, in the case of
8 an employee, shall be dismissed.

9 **Sec. 21.** (1) The Director of Legislative Oversight shall be
10 appointed by the Legislature, with the vote of two-thirds of the members
11 required for approval of such appointment, from nominations submitted by
12 the Legislative Oversight Committee. The director shall serve for a term
13 of six years, unless removed for cause as determined by a two-thirds vote
14 of the members of the Legislature or, if the Legislature is not in
15 session, by a two-thirds vote of the members of the Legislative Council.
16 If the office of Director of Legislative Oversight becomes vacant for any
17 reason, the chairperson of the Executive Board of the Legislative Council
18 shall appoint an acting director until a successor Director of
19 Legislative Oversight is appointed. The director shall be selected
20 without regard to political affiliation and on the basis of integrity,
21 capability for strong leadership, commitment to government oversight, and
22 demonstrated ability in accounting, auditing, financial analysis, law,
23 management analysis, public administration, investigation, or criminal
24 justice administration or other closely related fields. No person may
25 serve as director within two years after the last day on which such
26 person served as a member of the Legislature or while such person is a
27 candidate for or holds any other state office. The director shall receive
28 such salary as is set by the Executive Board of the Legislative Council.

29 (2) The Director of Legislative Oversight shall:

30 (a) Develop key performance indicators, with the approval of the
31 Legislative Oversight Committee, for both short-term and long-term

1 legislative oversight of state agencies and programs;

2 (b) Make recommendations to the Legislative Oversight Committee and
3 the Executive Board of the Legislative Council regarding the duties,
4 responsibilities, and activities of the division and division staff;

5 (c) Ensure that all assessments, investigations, audits,
6 inspections, and other reviews are conducted by the division without
7 regard to special or partisan interest and in accordance with relevant
8 standards or guidelines; and

9 (d) Carry out the director's duties under the Legislative
10 Performance Audit Act, the Office of Inspector General of Nebraska Child
11 Welfare Act, and the Office of Inspector General of the Nebraska
12 Correctional System Act.

13 **Sec. 23.** The Legislative Oversight Committee shall:

14 (1) Oversee all aspects of the Division of Legislative Oversight;

15 (2) Approve annual work plans for the division;

16 (3) Approve key performance indicators for the division;

17 (4) Receive quarterly briefings from the Director of Legislative
18 Oversight or other division staff; and

19 (5) Carry out the committee's duties under the Legislative
20 Performance Audit Act, the Office of Inspector General of Nebraska Child
21 Welfare Act, and the Office of Inspector General of the Nebraska
22 Correctional System Act.

23 **Sec. 25.** The Legislature finds and declares that:

24 (1) It is within the inherent power of the Legislature to secure
25 needed information in order to legislate, hold hearings, and conduct
26 investigations of matters related to the operation of state government.
27 This power of inquiry is broad and indispensable;

28 (2) Article IV, section 23, of the Constitution of Nebraska
29 specifically provides that the Legislature may at any time require that
30 information be provided to it from the officers and employees of state
31 agencies relating to the condition, management, and expenses of their

1 respective offices; and

2 (3) In order to establish a full-time program of investigation and
3 oversight of the Nebraska child welfare and juvenile justice systems and
4 assist in the development of legislation related to such systems, the
5 Legislature created the office of Inspector General of Nebraska Child
6 Welfare.

7 **Sec. 27.** Section 43-4303, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 ~~43-4303~~ For purposes of the Office of Inspector General of Nebraska
10 Child Welfare Act; ~~the definitions found in sections 43-4304 to 43-4316~~
11 ~~apply.~~

12 (1) Administrator means a person charged with administration of a
13 program, an office, or a division of the department or administration of
14 a private agency or licensed child care facility or the executive
15 director;

16 (2) Child welfare system means public and private agencies and
17 parties that provide or effect services or supervision to system-involved
18 children and their families;

19 (3) Commission means the Nebraska Commission on Law Enforcement and
20 Criminal Justice;

21 (4) Department means the Department of Health and Human Services;

22 (5) Director means the chief executive officer of the department;

23 (6) Executive director means the executive director of the
24 commission;

25 (7) Inspector General means the Inspector General of Nebraska Child
26 Welfare appointed under section 28 of this act;

27 (8) Juvenile services division means the Juvenile Services Division
28 of the Office of Probation Administration;

29 (9) Licensed child care facility means a facility or program
30 licensed under the Child Care Licensing Act, the Children's Residential
31 Facilities and Placing Licensure Act, or sections 71-1901 to 71-1906.01;

1 (10) Malfeasance means a wrongful act that the actor has no legal
2 right to do or any wrongful conduct that affects, interrupts, or
3 interferes with performance of an official duty;

4 (11) Management means supervision of subordinate employees;

5 (12) Misfeasance means the improper performance of some act that a
6 person may lawfully do;

7 (13) Obstruction means hindering an investigation, preventing an
8 investigation from progressing, stopping or delaying the progress of an
9 investigation, or making the progress of an investigation difficult or
10 slow;

11 (14) Office means the office of Inspector General of Nebraska Child
12 Welfare and includes the Inspector General and other employees of the
13 office;

14 (15) Private agency means a child welfare agency that contracts with
15 the department or the Office of Probation Administration or contracts to
16 provide services to another child welfare agency that contracts with the
17 department or the Office of Probation Administration;

18 (16) Record means any recording, in written, audio, electronic
19 transmission, or computer storage form, including, but not limited to, a
20 draft, memorandum, note, report, computer printout, notation, or message,
21 and includes, but is not limited to, medical records, mental health
22 records, case files, clinical records, financial records, and
23 administrative records; and

24 (17) Responsible individual means a foster parent, a relative
25 provider of foster care, or an employee of the department, the juvenile
26 services division, the commission, a foster home, a private agency, a
27 licensed child care facility, or another provider of child welfare
28 programs and services responsible for the care or custody of records,
29 documents, and files.

30 **Sec. 29.** Section 43-4318, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 ~~43-4318~~ (1) The office shall investigate:

2 (a) Allegations or incidents of possible misconduct, misfeasance,
3 malfeasance, or violations of statutes or of rules or regulations of:

4 (i) The department by an employee of or person under contract with
5 the department, a private agency, a licensed child care facility, a
6 foster parent, or any other provider of child welfare services or which
7 may provide a basis for discipline pursuant to the Uniform Credentialing
8 Act;

9 (ii) Subject to subsection (5) of this section, the juvenile
10 services division by an employee of or person under contract with the
11 juvenile services division, a private agency, a licensed facility, a
12 foster parent, or any other provider of juvenile justice services;

13 (iii) The commission by an employee of or person under contract with
14 the commission related to programs and services supported by the Nebraska
15 County Juvenile Services Plan Act, the Community-based Juvenile Services
16 Aid Program, juvenile pretrial diversion programs, or inspections of
17 juvenile facilities; and

18 (iv) A juvenile detention facility and staff secure juvenile
19 facility by an employee of or person under contract with such facilities;

20 (b) Death or serious injury in foster homes, private agencies, child
21 care facilities, juvenile detention facilities, staff secure juvenile
22 facilities, and other programs and facilities licensed by or under
23 contract with the department or the juvenile services division when the
24 office, upon review, determines the death or serious injury did not occur
25 by chance; ~~and~~

26 (c) Death or serious injury in any case in which services are
27 provided by the department or the juvenile services division to a child
28 or the child's his or her parents when the office upon review determines
29 that the death or serious injury did not occur by chance; and

30 (d) Death or serious injury in ~~or~~ any case involving an
31 investigation under the Child Protection and Family Safety Act if the

1 investigation took place within the twelve months prior to the death or
2 serious injury , ~~which case has been open for one year or less and if the~~
3 office upon review determines the death or serious injury did not occur
4 by chance.

5 (2) The department, the juvenile services division, each juvenile
6 detention facility, and each staff secure juvenile facility shall report
7 to the office as soon as reasonably possible:

8 (a) All ~~all~~ cases of death or serious injury:

9 (i) Of ~~of~~ a child in a foster home, private agency, child care
10 facility or program, or other program or facility licensed by the
11 department or inspected through the commission;

12 (ii) In any case in which services are provided to a child or the
13 child's parents; and

14 (iii) Involving an investigation under the Child Protection and
15 Family Safety Act if the investigation took place within the twelve
16 months prior to the death or serious injury and upon review determines
17 the death or serious injury did not occur by chance; and

18 (b) ~~All to the Inspector General as soon as reasonably possible~~
19 ~~after the department or the Office of Probation Administration learns of~~
20 ~~such death or serious injury and (b) all~~ allegations of sexual abuse of a
21 state ward, a juvenile on probation, a juvenile in a detention facility,
22 and a juvenile in a residential child-caring agency. For purposes of this
23 ~~subsection, serious injury means an injury or illness caused by suspected~~
24 ~~abuse, neglect, or maltreatment which leaves a child in critical or~~
25 ~~serious condition.~~

26 (3)(a) The Office of Juvenile Services shall report to the office of
27 Inspector General of Nebraska Child Welfare as soon as reasonably
28 possible after any of the following instances occur at a youth
29 rehabilitation and treatment center:

30 (i) An assault;

31 (ii) An escape or elopement;

1 (iii) An attempted suicide;
2 (iv) Self-harm by a juvenile;
3 (v) Property damage not caused by normal wear and tear;
4 (vi) The use of mechanical restraints on a juvenile;
5 (vii) A significant medical event suffered by a juvenile; and
6 (viii) Internally substantiated violations of 34 U.S.C. 30301 et
7 seq.

8 (b) The Office of Juvenile Services and the office of Inspector
9 General of Nebraska Child Welfare shall, if requested by either party,
10 work in collaboration to clarify the specific parameters to comply with
11 subdivision (3)(a) of this section.

12 (4) The department shall notify the office of Inspector General of
13 Nebraska Child Welfare of any leadership changes within the Office of
14 Juvenile Services and the youth rehabilitation and treatment centers.

15 (5) With respect to any investigation conducted by the Inspector
16 General pursuant to subdivision (1)(a) of this section that involves
17 possible misconduct by an employee of the juvenile services division, the
18 Inspector General shall immediately notify the probation administrator
19 and provide the information pertaining to potential personnel matters to
20 the Office of Probation Administration.

21 (6) Any investigation conducted by the Inspector General shall be
22 independent of and separate from an investigation pursuant to the Child
23 Protection and Family Safety Act. The Inspector General and his or her
24 staff are subject to the reporting requirements of the Child Protection
25 and Family Safety Act.

26 (7) Notwithstanding the fact that a criminal investigation, a
27 criminal prosecution, or both are in progress, all law enforcement
28 agencies and prosecuting attorneys may ~~shall~~ cooperate with any
29 investigation conducted by the Inspector General and may ~~shall~~,
30 ~~immediately~~ upon request by the Inspector General, provide the Inspector
31 General with copies of all law enforcement reports which are relevant to

1 the Inspector General's investigation. All law enforcement reports which
2 have been provided to the Inspector General pursuant to this section are
3 not public records for purposes of sections 84-712 to 84-712.09 and shall
4 not be subject to discovery by any other person or entity. Except to the
5 extent that disclosure of information is otherwise provided for in the
6 Office of Inspector General of Nebraska Child Welfare Act, the Inspector
7 General shall maintain the confidentiality of all law enforcement reports
8 received pursuant to its request under this section. Law enforcement
9 agencies and prosecuting attorneys may ~~shall~~, when requested by the
10 Inspector General, collaborate with the Inspector General regarding all
11 other information relevant to the Inspector General's investigation. The
12 ~~If the Inspector General in conjunction with the Public Counsel~~
13 ~~determines it appropriate, the Inspector General shall~~ may, when
14 requested to do so by a law enforcement agency or prosecuting attorney,
15 suspend an investigation by the office until a criminal investigation or
16 prosecution is completed or has proceeded to a point that, in the
17 judgment of the Inspector General, reinstatement of the Inspector
18 General's investigation will not impede or infringe upon the criminal
19 investigation or prosecution. Under no circumstance shall the Inspector
20 General interview any minor who has already been interviewed by a law
21 enforcement agency, personnel of the Division of Children and Family
22 Services of the department, or staff of a child advocacy center in
23 connection with a relevant ongoing investigation of a law enforcement
24 agency.

25 (8) The office may conduct audits, inspections, investigations, and
26 other oversight as necessary to perform the duties of the office and to
27 carry out the purposes of the Office of Inspector General of Nebraska
28 Child Welfare Act.

29 (9) For purposes of this section, serious injury means an injury or
30 illness caused by suspected abuse, neglect, maltreatment, self-harm, or
31 assault.

1 **Sec. 31.** Section 43-4321, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 ~~43-4321~~ (1) The office shall have access to all information and
4 personnel necessary to perform the duties of the office and to carry out
5 the Office of Inspector General of Nebraska Child Welfare Act.

6 (2) All employees of the department, the juvenile services division
7 as directed by the juvenile court or the Office of Probation
8 Administration, or the commission, all foster parents, and all owners,
9 operators, managers, supervisors, and employees of private agencies,
10 licensed child care facilities, juvenile detention facilities, staff
11 secure juvenile facilities, and other providers of child welfare services
12 or juvenile justice services shall cooperate with the office. Cooperation
13 includes, but is not limited to, the following:

14 (a) ~~(1)~~ Provision of full access to and production of records and
15 information. Providing access to and producing records and information
16 for the office is not a violation of confidentiality provisions under any
17 law, statute, rule, or regulation if done in good faith for purposes of
18 ~~an investigation under~~ the Office of Inspector General of Nebraska Child
19 Welfare Act;

20 (b) ~~(2)~~ Fair and honest disclosure of records and information
21 reasonably requested by the office pursuant to ~~in the course of an~~
22 ~~investigation under~~ the act;

23 (c) ~~(3)~~ Encouraging employees to fully comply with reasonable
24 requests of the office pursuant to ~~in the course of an investigation~~
25 ~~under~~ the act;

26 (d) ~~(4)~~ Prohibition of retaliation by owners, operators, or managers
27 against employees for providing records or information or filing or
28 otherwise making a complaint to the office;

29 (e) ~~(5)~~ Not requiring employees to gain supervisory approval prior
30 to filing a complaint with or providing records or information to the
31 office;

1 (f) Not requiring employees to report filing a complaint with or
2 providing records or information to the office; and

3 (g) Not requiring employees to request that counsel for the employer
4 be present while being questioned in the course of an investigation.

5 ~~(6) Provision of complete and truthful answers to questions posed by~~
6 ~~the office in the course of an investigation; and~~

7 ~~(7) Not willfully interfering with or obstructing the investigation.~~

8 **Sec. 33.** Section 43-4323, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 ~~43-4323~~ (1) At the request of the Inspector General, and after
11 receiving prior approval by a majority vote of the Executive Board of the
12 Legislative Council, the Legislative Oversight Committee may issue
13 subpoenas in connection with a specific inquiry or investigation
14 undertaken pursuant to the Office of Inspector General of Nebraska Child
15 Welfare Act to compel the production of records and information and sworn
16 testimony or other evidence relevant to such inquiry or investigation.
17 The committee shall vote to determine whether to issue a subpoena within
18 ten days after receipt of the request.

19 (2) When authorized to issue subpoenas under this section, the
20 committee may require any employees of the department, the juvenile
21 services division, or the commission, any foster parents, or any owners,
22 operators, managers, supervisors, and employees of private agencies,
23 licensed child care facilities, juvenile detention facilities, staff
24 secure juvenile facilities, and other providers of child welfare services
25 or juvenile justice services to provide the records or information
26 requested within thirty days after the request, except as otherwise
27 provided for in the subpoena, or to appear at a hearing on the date set
28 in the subpoena.

29 (3) Litigation to compel or quash compliance with the authority
30 exercised pursuant to this section shall be advanced on the trial docket
31 and heard and decided by the court as quickly as possible. The court

1 shall issue its decision no later than twenty days after the filing of
2 the application or petition or a motion to quash, whichever is filed
3 first. Either party may appeal to the Court of Appeals within ten days
4 after a decision is rendered.

5 (4) The district court of Lancaster County has jurisdiction over all
6 litigation arising under this section. In all such litigation, the
7 executive board shall provide for legal representation for the committee.

8 (5) In case of disobedience on the part of any employees of the
9 department, the juvenile services division, or the commission, any foster
10 parents, or any owners, operators, managers, supervisors, and employees
11 of private agencies, licensed child care facilities, juvenile detention
12 facilities, staff secure juvenile facilities, and other providers of
13 child welfare services or juvenile justice services to comply with any
14 subpoena issued pursuant to this section, the committee shall vote on
15 whether to find the person in contempt or to find that the failure to
16 comply was not willful.

17 (6) If the committee finds a person in contempt as provided in
18 subsection (5) of this section, the committee may, by application or
19 petition to the district court of Lancaster County, request that the
20 court compel obedience by proceedings for contempt as in the case of
21 disobedience of the requirements of a subpoena issued from such court.
22 The application or petition shall be filed by the chairperson of the
23 committee.

24 ~~(7) The Inspector General may issue a subpoena, enforceable by~~
25 ~~action in an appropriate court, to compel any person to appear, give~~
26 ~~sworn testimony, or produce documentary or other evidence deemed relevant~~
27 ~~to a matter under his or her inquiry. A person thus required to provide~~
28 information under this section shall be paid the same fees and travel
29 allowances and shall be accorded the same privileges and immunities as
30 are extended to witnesses in the district courts of this state and shall
31 also be entitled to have counsel present while being questioned.

1 Consistent with the Nebraska Rules of Professional Conduct, counsel for
2 the entity under investigation shall not represent a witness. A witness
3 may request that counsel for the entity under investigation be present
4 while being questioned, but such entity shall not require a witness to
5 make such a request. If such a request is made, the entity under
6 investigation shall inform the witness that such entity's counsel does
7 not represent the witness. For purposes of this subsection, entity under
8 investigation means the entity that is the subject of an investigation
9 under the Office of Inspector General of Nebraska Child Welfare Act and
10 includes the department, the juvenile services division, the commission,
11 a private agency, a licensed child care facility, a juvenile detention
12 facility, a staff secure juvenile facility, or another provider of child
13 welfare services or juvenile justice services. Any fees associated with
14 counsel present under this section shall not be the responsibility of the
15 office or the Legislative Council of Inspector General of Nebraska Child
16 Welfare.

17 **Sec. 34.** Section 43-4324, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 ~~43-4324~~ (1) A full investigation conducted by the office shall
20 consist of (a) access to, and retrieval of all, relevant records through
21 compliance with a request of the office, by voluntary production, or by
22 subpoena, (b) review of all relevant records, and (c) interviews of all
23 relevant persons ~~In conducting investigations, the office shall access~~
24 ~~all relevant records through subpoena, compliance with a request of the~~
25 ~~office, and voluntary production.~~

26 (2) The office may request or request the issuance of a subpoena for
27 any record necessary for the investigation from the department, the
28 juvenile services division as permitted by law, the commission, a foster
29 parent, a licensed child care facility, a juvenile detention facility, a
30 staff secure juvenile facility, or a private agency that is pertinent to
31 an investigation. All case files, licensing files, medical records,

1 financial and administrative records, and records required to be
2 maintained pursuant to applicable licensing rules shall be produced for
3 review by the office in the course of an investigation.

4 (3) (2) Compliance with a request of the office includes:

5 (a) Production of all records requested;

6 (b) A diligent search to ensure that all appropriate records are
7 included; ~~and~~

8 (c) A continuing obligation to immediately forward to the office any
9 relevant records received, located, or generated after the date of the
10 request; ~~and~~

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

13 (e) Not willfully interfering with or obstructing an investigation.

14 (4) (3) The office shall seek access in a manner that respects the
15 dignity and human rights of all persons involved, maintains the integrity
16 of the investigation, and does not unnecessarily disrupt child welfare
17 programs or services. When advance notice to a foster parent or to an
18 administrator or his or her designee is not provided, the office
19 investigator shall, upon arrival at the departmental or division office,
20 bureau, ~~or division~~, the private agency, the licensed child care
21 facility, the juvenile detention facility, the staff secure juvenile
22 facility, or the location of another provider of child welfare services,
23 request that an onsite employee notify the administrator or his or her
24 designee of the investigator's arrival.

25 (5) (4) When required by circumstances of an audit, inspection,
26 investigation, or other oversight require, the office may make an
27 unannounced visit to a foster home, a departmental or division office,
28 bureau, ~~or division~~, a licensed child care facility, a juvenile detention
29 facility, a staff secure juvenile facility, a youth rehabilitation and
30 treatment center, a private agency, or another provider ~~to request~~
31 records relevant to an investigation. The office may request relevant

1 records during such visit.

2 (6) (5) A responsible individual or an administrator may be asked to
3 sign a statement of record integrity and security when a record is
4 secured by request as the result of a visit by the office, stating:

5 (a) That the responsible individual or the administrator has made a
6 diligent search of the departmental or division office, bureau, division,
7 private agency, licensed child care facility, juvenile detention
8 facility, staff secure juvenile facility, or other provider's location to
9 determine that all appropriate records in existence at the time of the
10 request were produced;

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

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

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

19 (7) (6) The office shall permit a responsible individual, an
20 administrator, or an employee of a departmental or division office,
21 bureau, or division, a private agency, a licensed child care facility, a
22 juvenile detention facility, a staff secure juvenile facility, or another
23 provider to make photocopies of the original records within a reasonable
24 time in the presence of the office for purposes of creating a working
25 record in a manner that assures confidentiality.

26 (8) (7) The office shall present to the responsible individual or
27 the administrator or other employee of the departmental or division
28 office, bureau, or division, private agency, licensed child care
29 facility, juvenile detention facility, staff secure juvenile facility, or
30 other service provider a copy of the request, stating the date and the
31 titles of the records received.

1 ~~(9) (8)~~ If an original record is provided during an investigation,
2 the office shall return the original record as soon as practical but no
3 later than ten business ~~working~~ days after the date of the compliance
4 request.

5 ~~(9) All investigations conducted by the office shall be conducted in~~
6 ~~a manner designed to ensure the preservation of evidence for possible use~~
7 ~~in a criminal prosecution.~~

8 **Sec. 37.** Section 43-4327, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 ~~43-4327~~ (1) The Inspector General's report of an investigation shall
11 be in writing ~~to the Public Counsel~~ and may ~~shall~~ contain
12 recommendations. The report may recommend systemic reform or case-
13 specific action, including a recommendation for discharge or discipline
14 of employees or for sanctions against a foster parent, private agency,
15 licensed child care facility, or other provider of child welfare services
16 or juvenile justice services. All recommendations to pursue discipline
17 shall be in writing and signed by the Inspector General. A report of an
18 investigation shall be presented to the Director of Legislative Oversight
19 and the chairperson of the Legislative Oversight Committee. The Inspector
20 General shall present the report of an investigation to the director, the
21 probation administrator, or the executive director within three business
22 fifteen ~~days~~ after the report is presented to the Director of Legislative
23 Oversight and the chairperson of the Legislative Oversight Committee
24 ~~Public Counsel.~~

25 (2) Any person receiving a report under this section shall not
26 further distribute the report or any confidential information contained
27 in the report beyond the entity that is the subject of the report. The
28 Inspector General, upon notifying the Director of Legislative Oversight
29 ~~Public Counsel~~ and the director, the probation administrator, or the
30 executive director, may distribute the report, to the extent that it is
31 relevant to a child's welfare, to the guardian ad litem and attorneys in

1 the juvenile court in which a case is pending involving the child or
2 family who is the subject of the report. The report shall not be
3 distributed beyond the parties except through the appropriate court
4 procedures to the judge.

5 (3) A report that identifies misconduct, misfeasance, malfeasance,
6 or violation of statute, rules, or regulations by an employee of the
7 department, the juvenile services division, the commission, a private
8 agency, a licensed child care facility, or another provider that is
9 relevant to providing appropriate supervision of an employee may be
10 shared with the employer of such employee. The employer shall ~~may~~ not
11 further distribute the report or any confidential information contained
12 in the report.

13 **Sec. 41.** Section 43-4331, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 ~~43-4331~~ On or before September 15 of each year, the Inspector
16 General shall provide to ~~the Health and Human Services Committee of the~~
17 ~~Legislature, the Judiciary Committee of the~~ Legislature, the Supreme
18 Court, and the Governor a report that includes a summary of reports and
19 investigations made under the Office of Inspector General of Nebraska
20 Child Welfare Act for the preceding year. The report to the Legislature
21 ~~summary provided to the committees~~ shall be submitted ~~provided~~
22 electronically and filed with the Clerk of the Legislature. The report
23 ~~summaries~~ shall detail recommendations and the status of implementation
24 of recommendations and may also include recommendations to the
25 Legislature committees regarding issues discovered through investigation,
26 audits, inspections, and reviews by the office that will (1) increase
27 accountability and legislative oversight of the Nebraska child welfare
28 system, (2) improve operations of the department, the juvenile services
29 division, the commission, and the Nebraska child welfare system, or (3)
30 deter and identify fraud, abuse, and illegal acts. The report ~~Such~~
31 ~~summary~~ shall include summaries of alternative response cases under

1 alternative response implemented in accordance with sections 28-710.01,
2 28-712, and 28-712.01 reviewed by the Inspector General. The report
3 summaries shall not contain any confidential or identifying information
4 concerning the subjects of the reports and investigations.

5 **Sec. 43.** If the Inspector General has reason to believe that any
6 public officer or employee has acted in a manner that warrants criminal
7 or disciplinary action or proceedings, the Inspector General shall report
8 the matter to the appropriate authorities.

9 **Sec. 52.** Section 47-908, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 ~~47-908~~ (1) The office shall have access to all information and
12 personnel necessary to perform the duties of the office and to carry out
13 the Office of Inspector General of the Nebraska Correctional System Act.

14 (2) All employees of the department, all employees of the division
15 Division of Parole Supervision, and all owners, operators, managers,
16 supervisors, and employees of private agencies shall cooperate with the
17 office. Cooperation includes, but is not limited to, the following:

18 (a) ~~(1)~~ Provision of full access to and production of records and
19 information. Providing access to and producing records and information
20 for the office is not a violation of confidentiality provisions under any
21 statute, rule, or regulation if done in good faith for purposes of an
22 investigation under the Office of Inspector General of the Nebraska
23 Correctional System Act;

24 (b) ~~(2)~~ Fair and honest disclosure of records and information
25 reasonably requested by the office pursuant to in the course of an
26 investigation under the act;

27 (c) ~~(3)~~ Encouraging employees to fully comply with reasonable
28 requests of the office pursuant to in the course of an investigation
29 under the act;

30 (d) ~~(4)~~ Prohibition of retaliation by owners, operators, or managers
31 against employees for providing records or information or filing or

1 otherwise making a complaint to the office;

2 ~~(e) (5) Not requiring employees to gain supervisory approval prior~~
3 ~~to filing a complaint with or providing records or information to the~~
4 ~~office;~~

5 ~~(f) Not requiring employees to report filing a complaint with or~~
6 ~~providing records or information to the office; and~~

7 ~~(g) Not requiring employees to request that counsel for the employer~~
8 ~~be present while being questioned in the course of an investigation.~~

9 ~~(6) Provision of complete and truthful answers to questions posed by~~
10 ~~the office in the course of an investigation; and~~

11 ~~(7) Not willfully interfering with or obstructing the investigation.~~

12 **Sec. 54.** Section 47-910, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 ~~47-910~~ (1) At the request of the Inspector General, and after
15 receiving prior approval by a majority vote of the Executive Board of the
16 Legislative Council, the Legislative Oversight Committee may issue
17 subpoenas in connection with a specific inquiry or investigation
18 undertaken pursuant to the Office of Inspector General of the Nebraska
19 Correctional System Act to compel the production of records and
20 information and sworn testimony or other evidence relevant to such
21 inquiry or investigation. The committee shall vote to determine whether
22 to issue a subpoena within ten days after receipt of the request.

23 (2) When authorized to issue subpoenas under this section, the
24 committee may require any employees of the department or the division or
25 any owners, operators, managers, supervisors, and employees of private
26 agencies to provide the records or information requested within thirty
27 days after the request, except as otherwise provided for in the subpoena,
28 or to appear at a hearing on the date set in the subpoena.

29 (3) Litigation to compel or quash compliance with the authority
30 exercised pursuant to this section shall be advanced on the trial docket
31 and heard and decided by the court as quickly as possible. The court

1 shall issue its decision no later than twenty days after the filing of
2 the application or petition or a motion to quash, whichever is filed
3 first. Either party may appeal to the Court of Appeals within ten days
4 after a decision is rendered.

5 (4) The district court of Lancaster County has jurisdiction over all
6 litigation arising under this section. In all such litigation, the
7 executive board shall provide for legal representation for the committee.

8 (5) In case of disobedience on the part of any employees of the
9 department or the division or any owners, operators, managers,
10 supervisors, and employees of private agencies to comply with any
11 subpoena issued pursuant to this section, the committee shall vote on
12 whether to find the person in contempt or to find that the failure to
13 comply was not willful.

14 (6) If the committee finds a person in contempt as provided in
15 subsection (5) of this section, the committee may, by application or
16 petition to the district court of Lancaster County, request that the
17 court compel obedience by proceedings for contempt as in the case of
18 disobedience of the requirements of a subpoena issued from such court.
19 The application or petition shall be filed by the chairperson of the
20 committee.

21 ~~(7) 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 his or her inquiry.~~ A person thus required to provide
25 information under this section shall be paid the same fees and travel
26 allowances and shall be accorded the same privileges and immunities as
27 are extended to witnesses in the district courts of this state and shall
28 also be entitled to have counsel present while being questioned.
29 Consistent with the Nebraska Rules of Professional Conduct, counsel for
30 the entity under investigation shall not represent a witness. A witness
31 may request that counsel for the entity under investigation be present

1 while being questioned, but such entity shall not require a witness to
2 make such a request. If such a request is made, the entity under
3 investigation shall inform the witness that such entity's counsel does
4 not represent the witness. For purposes of this subsection, entity under
5 investigation means the entity that is the subject of an investigation
6 under the Office of Inspector General of the Nebraska Correctional System
7 Act and includes the department, the division, and a private agency. Any
8 fees associated with counsel present under this section shall not be the
9 responsibility of the office or the Legislative Council.

10 **Sec. 55.** Section 47-911, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 ~~47-911~~ (1) A full investigation conducted by the office shall
13 consist of (a) access to and retrieval of all relevant records through
14 compliance with a request of the office, by voluntary production, or by
15 subpoena, (b) review of all relevant records, and (c) interviews of all
16 relevant persons ~~In conducting investigations, the office shall access~~
17 ~~all relevant records through subpoena, compliance with a request by the~~
18 ~~office, and voluntary production.~~ The office may request or request the
19 issuance of a subpoena for any record necessary for the investigation
20 from the department, the division, or a private agency that is pertinent
21 to an investigation. All case files, licensing files, medical records,
22 financial and administrative records, and records required to be
23 maintained pursuant to applicable licensing rules shall be produced for
24 review by the office in the course of an investigation.

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

26 (a) Production of all records requested;

27 (b) A diligent search to ensure that all appropriate records are
28 included; ~~and~~

29 (c) A continuing obligation to immediately forward to the office any
30 relevant records received, located, or generated after the date of the
31 request; ~~-~~

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

3 (e) Not willfully interfering with or obstructing an investigation.

4 (3) The office shall seek access in a manner that respects the
5 dignity and human rights of all persons involved, maintains the integrity
6 of the investigation, and does not unnecessarily disrupt department or
7 division programs or services. ~~When advance notice to an administrator or~~
8 ~~his or her designee is not provided, the office investigator shall, upon~~
9 ~~arrival at the departmental office, bureau, or division or private~~
10 ~~agency, request that an onsite employee notify the administrator or his~~
11 ~~or her designee of the investigator's arrival.~~

12 (4) When circumstances of an audit, inspection, investigation, or
13 review require, the office may make an announced or unannounced visit to
14 a departmental office, ~~bureau, or division,~~ a department correctional
15 facility, a parole office, or a private agency ~~to request records~~
16 ~~relevant to an investigation.~~ The office may request relevant records
17 during such visit.

18 (5) A responsible individual or an administrator may be asked to
19 sign a statement of record integrity and security when a record is
20 secured by request as the result of a visit by the office, stating:

21 (a) That the responsible individual or the administrator has made a
22 diligent search of the departmental office, bureau, division, private
23 ~~agency, or~~ department correctional facility, parole office, or private
24 agency to determine that all appropriate records in existence at the time
25 of the request were produced;

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

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

31 (d) Whether, to the best of the knowledge of the responsible

1 individual or the administrator, any records were removed from or added
2 to the record since it was secured.

3 (6) The office shall permit a responsible individual, an
4 administrator, or an employee of a departmental office, ~~bureau, or~~
5 ~~division, a private agency, or~~ a department correctional facility, a
6 parole office, or a private agency to make photocopies of the original
7 records within a reasonable time in the presence of the office for
8 purposes of creating a working record in a manner that assures
9 confidentiality.

10 (7) The office shall present to the responsible individual or the
11 administrator or other employee of the departmental office, ~~bureau, or~~
12 ~~division, private agency, or~~ department correctional facility, parole
13 office, or private agency a copy of the request, stating the date and the
14 titles of the records received.

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

18 ~~(9) All investigations conducted by the office shall be conducted in~~
19 ~~a manner designed to ensure the preservation of evidence for possible use~~
20 ~~in a criminal prosecution.~~

21 **Sec. 58.** Section 47-914, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 ~~47-914~~ (1) The Inspector General's report of an investigation shall
24 be in writing and may ~~to the Public Counsel and shall~~ contain
25 recommendations. The report may recommend systemic reform or case-
26 specific action, including a recommendation for discharge or discipline
27 of employees or for sanctions against a private agency. All
28 recommendations to pursue discipline shall be in writing and signed by
29 the Inspector General. A report of an investigation shall be presented to
30 the Director of Legislative Oversight and the chairperson of the
31 Legislative Oversight Committee. The Inspector General shall present the

1 report of an investigation to the director or parole director within
2 three business fifteen days after the report is presented to the Director
3 of Legislative Oversight and the chairperson of the Legislative Oversight
4 Committee Public Counsel.

5 (2) Any person receiving a report under this section shall not
6 further distribute the report or any confidential information contained
7 in the report. The report shall not be distributed beyond the parties
8 except through the appropriate court procedures to the judge.

9 (3) A report that identifies misconduct, misfeasance, malfeasance,
10 violation of statute, or violation of rules and regulations by an
11 employee of the department, the division, or a private agency that is
12 relevant to providing appropriate supervision of an employee may be
13 shared with the employer of such employee. The employer shall ~~may~~ not
14 further distribute the report or any confidential information contained
15 in the report.

16 **Sec. 65.** If the Inspector General has reason to believe that any
17 public officer or employee has acted in a manner that warrants criminal
18 or disciplinary action or proceedings, the Inspector General shall report
19 the matter to the appropriate authorities.

20 **Sec. 72.** Section 50-401.01, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 50-401.01 (1) The Legislative Council shall have an executive board,
23 to be known as the Executive Board of the Legislative Council, which
24 shall consist of a chairperson, a vice-chairperson, and six members of
25 the Legislature, to be chosen by the Legislature at the commencement of
26 each regular session of the Legislature when the speaker is chosen, and
27 the Speaker of the Legislature. The Legislature at large shall elect two
28 of its members from legislative districts Nos. 1, 17, 30, 32 to 35, 37,
29 38, 40 to 44, 47, and 48, two from legislative districts Nos. 2, 3, 15,
30 16, 19, 21 to 29, 45, and 46, and two from legislative districts Nos. 4
31 to 14, 18, 20, 31, 36, 39, and 49. The Chairperson of the Committee on

1 Appropriations shall serve as a nonvoting ex officio member of the
2 executive board whenever the board is considering fiscal administration.

3 (2) The executive board shall:

4 (a) Supervise all services and service personnel of the Legislature
5 and may employ and fix compensation and other terms of employment for
6 such personnel as may be needed to carry out the intent and activities of
7 the Legislature or of the board, unless otherwise directed by the
8 Legislature, including the adoption of policies by the executive board
9 which permit (i) the purchasing of an annuity for an employee who retires
10 or (ii) the crediting of amounts to an employee's deferred compensation
11 account under section 84-1504. The payments to or on behalf of an
12 employee may be staggered to comply with other law; and

13 (b) Appoint persons to fill the positions of Legislative Fiscal
14 Analyst, Director of Research, and Revisor of Statutes ~~, and Legislative~~
15 ~~Auditor~~. The persons appointed to these positions shall have training and
16 experience as determined by the executive board and shall serve at the
17 pleasure of the executive board. ~~The Legislative Performance Audit~~
18 ~~Committee shall recommend the person to be appointed Legislative Auditor.~~
19 Their respective salaries shall be set by the executive board.

20 (3) Notwithstanding any other provision of law, the executive board
21 may contract to obtain legal, auditing, accounting, actuarial, or other
22 professional services or advice for or on behalf of the executive board,
23 the Legislative Council, the Legislature, or any member of the
24 Legislature. The providers of such services or advice shall meet or
25 exceed the minimum professional standards or requirements established or
26 specified by their respective professional organizations or licensing
27 entities or by federal law. Such contracts, the deliberations of the
28 executive board with respect to such contracts, and the work product
29 resulting from such contracts shall not be subject to review or approval
30 by any other entity of state government.

31 **Sec. 86.** Section 50-1204, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 50-1204 (1) The Legislative Audit Office is established within the
3 Division of Legislative Oversight. The office shall conduct performance
4 audits. The Legislative Auditor shall be appointed by the Director of
5 Legislative Oversight with approval from the chairperson of the Executive
6 Board of the Legislative Council and the chairperson of the committee.
7 The Legislative Auditor shall employ such performance audit and support
8 staff as the Legislative Auditor deems necessary to carry out the duties
9 of the office within the amount available by appropriation through the
10 Division of Legislative Oversight for the Legislative Audit Office. The
11 Legislative Auditor shall be subject to the control and supervision of
12 the Director of Legislative Oversight, except that removal of the
13 Legislative Auditor shall require approval of the chairperson of the
14 Executive Board of the Legislative Council and the chairperson of the
15 committee. The Legislative Performance Audit Committee is hereby
16 established as a special legislative committee to exercise the authority
17 and perform the duties provided for in the Legislative Performance Audit
18 Act. The committee shall be composed of the Speaker of the Legislature,
19 the chairperson of the Executive Board of the Legislative Council, the
20 chairperson of the Appropriations Committee of the Legislature, and four
21 other members of the Legislature to be chosen by the Executive Board of
22 the Legislative Council. The executive board shall ensure that the
23 Legislative Performance Audit Committee includes adequate geographic
24 representation. The chairperson and vice-chairperson of the Legislative
25 Performance Audit Committee shall be elected by majority vote. For
26 purposes of tax incentive performance audits authorized in section
27 50-1209, the committee shall include as nonvoting members the chairperson
28 of the Revenue Committee of the Legislature or his or her designee and
29 one other member of the Revenue Committee, as selected by the Revenue
30 Committee. The Legislative Performance Audit Committee shall be subject
31 to all rules prescribed by the Legislature. The committee shall be

1 ~~reconstituted at the beginning of each Legislature and shall meet as~~
2 ~~needed.~~

3 (2) The Legislative Auditor shall ensure that performance audit work
4 conducted by the office conforms with performance audit standards
5 contained in the Government Auditing Standards (2018 Revision) as
6 required in section 50-1205.01. ~~The office shall be composed of the~~
7 ~~Legislative Auditor and other employees of the Legislature employed to~~
8 ~~conduct performance audits.~~ The office shall be the custodian of all
9 records generated by the ~~committee or~~ office except as provided by
10 section 50-1213, subsection (11) of section 77-2711, or subdivision (10)
11 (a) of section 77-27,119. The office shall inform the Legislative Fiscal
12 Analyst of its activities and consult with him or her as needed. The
13 office shall operate under the general direction of the Director of
14 Legislative Oversight and the committee.

15 **Sec. 93.** (1) At the request of the Legislative Auditor, and after
16 receiving prior approval by a majority vote of the Executive Board of the
17 Legislative Council, the committee may issue subpoenas in connection with
18 a performance audit being conducted by the office to compel the
19 production of records and information and sworn testimony or other
20 evidence relevant to such performance audit. The committee shall vote to
21 determine whether to issue a subpoena within ten days after receipt of
22 the request.

23 (2) When authorized to issue subpoenas under this section, the
24 committee may require any employees of any agency to provide the records
25 or information requested within thirty days after the request, except as
26 otherwise provided for in the subpoena, or to appear at a hearing on the
27 date set in the subpoena.

28 (3) Litigation to compel or quash compliance with the authority
29 exercised pursuant to this section shall be advanced on the trial docket
30 and heard and decided by the court as quickly as possible. The court
31 shall issue its decision no later than twenty days after the filing of

1 the application or petition or a motion to quash, whichever is filed
2 first. Either party may appeal to the Court of Appeals within ten days
3 after a decision is rendered.

4 (4) The district court of Lancaster County has jurisdiction over all
5 litigation arising under this section. In all such litigation, the
6 executive board shall provide for legal representation for the committee.

7 (5) In case of disobedience on the part of any employees of any
8 agency to comply with any subpoena issued pursuant to this section, the
9 committee shall vote on whether to find the person in contempt or to find
10 that the failure to comply was not willful.

11 (6) If the committee finds a person in contempt as provided in
12 subsection (5) of this section, the committee may, by application or
13 petition to the district court of Lancaster County, request that the
14 court compel obedience by proceedings for contempt as in the case of
15 disobedience of the requirements of a subpoena issued from such court.
16 The application or petition shall be filed by the chairperson of the
17 committee.

18 (7) A person required to provide information under this section
19 shall be paid the same fees and travel allowances and shall be accorded
20 the same privileges and immunities as are extended to witnesses in the
21 district courts of this state and shall also be entitled to have counsel
22 present while being questioned. Consistent with the Nebraska Rules of
23 Professional Conduct, counsel for the agency that is the subject of the
24 performance audit shall not represent a witness. A witness may request
25 that agency counsel be present while being questioned, but the agency
26 shall not require a witness to make such a request. If such a request is
27 made, the agency shall inform the witness that agency counsel does not
28 represent the witness. Any fees associated with counsel present under
29 this section shall not be the responsibility of the office or the
30 Legislative Council.

31 **Sec. 101.** Section 83-1,125.01, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 83-1,125.01 (1) The Board of Parole and the Division of Parole
3 Supervision may maintain an individual file for each person who is under
4 the jurisdiction of the Board of Parole. Such file may be maintained
5 electronically and shall include, when available and appropriate, the
6 following information on such person:

7 (a) Admission summary;

8 (b) Presentence investigation report;

9 (c) Classification reports and recommendations;

10 (d) Official records of conviction and commitment along with any
11 earlier criminal records;

12 (e) Progress reports and admission-orientation reports;

13 (f) Reports of any disciplinary infractions and their disposition;

14 (g) Risk and needs assessments;

15 (h) Parole plan and parole placement and investigation worksheets;

16 (i) Decision guideline scores;

17 (j) Parole case plan;

18 (k) Parole progress reports and contact notes;

19 (l) Arrest and violation reports, including disposition;

20 (m) Parole proceedings orders and notices;

21 (n) Other documents related to parole supervision;

22 (o) Correspondence; and

23 (p) Other pertinent data concerning his or her background, conduct,
24 associations, and family relationships.

25 (2) Any decision concerning release on or revocation of parole or
26 imposition of sanctions shall be made only after the individual file has
27 been reviewed. The contents of the individual file shall be confidential
28 unless disclosed in connection with a public hearing and shall not be
29 subject to public inspection except by court order for good cause shown.
30 The contents of the file shall not be accessible to any person under the
31 jurisdiction of the Board of Parole. A person under the jurisdiction of

1 the board may obtain access to his or her medical records by request to
2 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the
3 fact that such medical records may be a part of his or her parole file.
4 The board and the Division of Parole Supervision have the authority to
5 withhold decision guideline scores, risk and needs assessment scores, and
6 mental health and psychological records of a person under the
7 jurisdiction of the board when appropriate.

8 (3) Nothing in this section limits in any manner the authority of
9 the Public Counsel to inspect and examine the records and documents of
10 the board and the Division of Parole Supervision pursuant to the Office
11 of Public Counsel Act ~~sections 81-8,240 to 81-8,254~~, except that the
12 Public Counsel's access to the medical or mental health records of a
13 person under the jurisdiction of the board shall be subject to his or her
14 consent. The office of Public Counsel shall not disclose the medical or
15 mental health records of a person under the jurisdiction of the board to
16 anyone else, including any other person under the jurisdiction of the
17 board, except as authorized by law.

18 (4) For any person under the jurisdiction of the Board of Parole,
19 the board shall provide such person's (a) name, (b) parole officer, and
20 (c) conditions of parole to the Nebraska Commission on Law Enforcement
21 and Criminal Justice which shall provide access to such information to
22 law enforcement agencies through the state's criminal justice information
23 system.