

# One Hundred Eighth Legislature - Second Session - 2024

## Introducer's Statement of Intent

### LB1321

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**Chairperson: Senator Raymond Aguilar**

**Committee: Executive Board**

**Date of Hearing: February 14, 2024**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 1321 amends provisions of the Office of Public Counsel and the Offices of Inspectors General (OIG) to provide clarification and to respond to an Attorney General opinion issued on August 16, 2023 (AGO No. 23-008).

LB 1321 includes legislative findings regarding the Legislature's inherent power to investigate, its constitutional authority to require that state agencies provide information, its constitutional authority to vest general control and management of state reformatory and penal institutions, and the role of OIGs in providing full-time legislative oversight and assisting in the development of legislation.

Under the bill, the statutes governing the Ombudsman's Office, the Office of Inspector General of Nebraska Child Welfare and the Office of Inspector General of the Nebraska Correctional System are transferred to Chapter 50 and named the Office of Public Counsel Act. Changes under LB 1321 include the following:

Eliminates mandatory direct access to agency computers and creates a process for negotiating terms of production for the disclosure of privileged information;

Eliminates Public Counsel's authority to directly issue subpoenas and instead allows for the Executive Board to issue subpoenas upon request of the Public Counsel;

Allows for the Health and Human Services Committee or the Judiciary Committee to issue subpoenas, with Executive Board approval, on behalf of the OIGs;

Eliminates oversight of juvenile probation from the OIG for Child Welfare statutes; and

Requires notification of the Executive Board chair and either the chair of the Health and Human Services Committee or the chair of the Judiciary Committee prior to the release of investigative reports and requires OIG annual reports be provided to the full Legislature.

LB 1321 contains the emergency clause.

**Principal Introducer:** \_\_\_\_\_

**Senator John Arch**