

AMENDMENTS TO LR298

Introduced by Executive Board.

1           1. Strike the original provisions and insert the following new  
2 provisions:

3           WHEREAS, the Legislature has the inherent power to secure  
4 information in order to legislate, hold hearings, and conduct  
5 investigations related to the operation of state government; and

6           WHEREAS, legislative oversight functions related to the  
7 Legislature's inherent power are currently distributed among the various  
8 legislative divisions within the Legislative Council, including the  
9 office of Public Counsel, the office of Legislative Audit, the office of  
10 Legislative Research, and the office of Legislative Fiscal Analyst; and

11           WHEREAS, the office of the Attorney General issued an opinion on  
12 August 16, 2023, stating that the current statutory regime governing two  
13 offices related to legislative oversight, the office of Inspector General  
14 of Nebraska Child Welfare and the office of Inspector General of the  
15 Nebraska Correctional System, violated the separation of powers  
16 provisions in Article II, section 1, of the Constitution of Nebraska; and

17           WHEREAS, the Legislature believes that the legislative divisions and  
18 offices, including the office of Inspector General of Nebraska Child  
19 Welfare and the office of Inspector General of the Nebraska Correctional  
20 System, serve important legislative oversight functions and that these  
21 divisions and offices will benefit from a full review to strengthen the  
22 performance of their legislative oversight functions, to address any  
23 restructuring or reorganization necessary for continued legislative  
24 oversight, to examine how any such restructuring or reorganization may  
25 impact the interface between the Legislature and the Executive and  
26 Judicial branches, and to address any remaining issues related to the  
27 opinion of the Attorney General issued on August 16, 2023.

1           NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
2 EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

3           1. That the Legislature hereby calls for the Executive Board of the  
4 Legislative Council to appoint a committee of the Legislature to be known  
5 as the Legislative Oversight Review Special Committee of the Legislature.  
6 Members shall include all members of the Executive Board of the  
7 Legislative Council, the chairperson of the Health and Human Services  
8 Committee of the Legislature, the chairperson of the Judiciary Committee  
9 of the Legislature, and three at-large members of the Legislature. The  
10 Legislative Oversight Review Special Committee shall elect a chairperson  
11 and vice-chairperson from the membership of the committee. The executive  
12 board may provide the committee with a legal counsel, committee clerk,  
13 and other staff as required by the committee from existing legislative  
14 staff. The executive board may authorize the committee to hire outside  
15 legal counsel as deemed necessary by the committee. The committee may  
16 hold hearings. After authorization by the executive board, the committee  
17 may issue subpoenas to compel the attendance of witnesses and the  
18 production of any papers, books, accounts, documents, and testimony under  
19 oath.

20           2. The Legislative Oversight Review Special Committee may study the  
21 current structure and organization of legislative oversight functions  
22 among the various legislative divisions and offices and the structure and  
23 organization of legislative oversight functions in other state  
24 legislatures. The committee may also study whether current oversight  
25 conducted by any statutorily created board or commission would be more  
26 appropriately conducted within the legislative branch.

27           3. The Legislative Oversight Review Special Committee shall issue a  
28 report with its findings and recommendations to the Legislature no later  
29 than December 15, 2024. The report shall include recommendations for  
30 draft legislation, if necessary. The committee terminates on December 31,  
31 2024.