

LEGISLATIVE BILL 32

Approved by the Acting Governor January 27, 1989

Introduced by Labeledz, 5, Chairperson, Executive Board

AN ACT relating to welfare; to amend sections 47-408 and 83-372, Reissue Revised Statutes of Nebraska, 1943, and section 83-374, Revised Statutes Supplement, 1988; to change references to correspond with Laws 1982, LB 522, and Laws 1983, LB 401; and to repeal the original sections.

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

Section 1. That section 47-408, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

47-408. ~~The county department of public welfare~~ Department of Social Services shall, at the request of the court, investigate and report to the court the amount necessary for the support of the prisoner's dependents.

Sec. 2. That section 83-372, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-372. It shall be the duty of the county board in each county, ~~acting as the county board of public welfare,~~ to make such investigation as the department may require with regard to the ability to pay of any patient or relative of a patient who resides within the county. In making such investigation, the county board shall act in accordance with the rules and regulations of the department and shall promptly submit the required information to the department.

Sec. 3. That section 83-374, Revised Statutes Supplement, 1988, be amended to read as follows:

83-374. Any patient or relative aggrieved by a determination of ability to pay may request a hearing before the director. The department shall adopt and promulgate rules and regulations to govern the conduct of such hearings. The director may appoint an examiner who shall have power to preside at such hearing, administer oaths, examine witnesses, and take testimony and shall report the same to the director. Such hearings shall be held in the county in which the person requesting the hearing resides, if such person so requests, in which event it shall be the duty of the

county board of public welfare to attend such hearing. The director shall deliver his or her decision within sixty days after the conclusion of the hearing. Any patient or relative aggrieved by a decision following a hearing may appeal such decision, and such appeal shall be in accordance with the Administrative Procedure Act.

Sec. 4. That original sections 47-408 and 83-372, Reissue Revised Statutes of Nebraska, 1943, and section 83-374, Revised Statutes Supplement, 1988, are repealed.