

THIRTY-SIXTH DAY - FEBRUARY 27, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 27, 2007

PRAYER

The prayer was offered by Pastor Ray Norris, United Methodist Church, Osceola.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senator Pankonin who was excused; and Senators Ashford, Carlson, Cornett, Dubas, Heidemann, Loudon, Mines, Pedersen, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

**COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 12. Placed on Select File - ER8029.

(Amendment is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 12A. Placed on Select File.

LEGISLATIVE BILL 390. Placed on Select File.

(Signed) Amanda McGill, Chairperson

CORRECTED COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 475. Add Com AM399.
AM399

- 1 1. Insert the following new section:
2 Sec. 37. Provisions of the Employment Nondiscrimination
3 Act which prohibit discrimination based on sexual orientation
4 shall not apply to any bona fide religious organization,
5 which organization shall include any religious corporation,
6 organization, association, or society or any nonprofit institution
7 or organization operated, supervised, or controlled by or
8 in conjunction with a religious corporation, organization,
9 association, or society.
10 2. On page 59, line 15, after "48-1126" insert "and
11 section 37 of this act".
12 3. Renumber the remaining sections accordingly.

(Signed) Brad Ashford, Chairperson

ANNOUNCEMENT

Senator Rogert designates LB 255 as his priority bill.

MOTION - Withdraw LB 635

Senator Dierks renewed his motion, found on page 667, to withdraw LB 635.

The Dierks motion to withdraw prevailed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 124. ER8026, found on page 653, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 296. Senator Johnson withdrew his amendment, AM15, printed separately and referred to on page 496.

Senator Johnson renewed his amendment, AM435, printed separately and referred to on page 648.

Pending.

AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB 701:
(Amendment, AM476, is printed separately and available in the Bill Room, Room 1104.)

Senator Schimek filed the following amendment to LB 34:
AM509

(Amendments to AM205)

- 1 1. On page 1, line 8, after the period insert "The
- 2 appointments shall be based on interest and knowledge.".

Senator Kruse filed the following amendment to LB 182:
AM488

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 13-1210, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 13-1210 The Department of Roads shall annually certify
- 6 the amount of operating costs eligible for funding under the public
- 7 transportation assistance program established under section 13-1209
- 8 and shall request full funding from the Legislature of the amount
- 9 certified.
- 10 Sec. 2. Section 13-1212, Reissue Revised Statutes of
- 11 Nebraska, is amended to read:
- 12 13-1212 (1) The Department of Roads shall administer
- 13 sections 13-1209 to 13-1212; and issue such rules and regulations
- 14 pursuant to the Administrative Procedure Act as are necessary,
- 15 including, but not limited to, defining eligible operating
- 16 costs, establishing contractual and other requirements including
- 17 standardized accounting and reporting requirements, which shall
- 18 include the applicant's proposed service area, the type of
- 19 service proposed, all routes and schedules, and any further
- 20 information needed for recipients to insure the maximum feasible
- 21 coordination and use of state funds, and establishing application
- 22 procedures. The Appropriations Committee of the Legislature shall
- 23 provide direction for the distribution of funds for the public
- 1 transportation assistance program if the funds appropriated are
- 2 insufficient to cover all eligible projects., ~~and developing a~~
- 3 ~~policy for apportioning funds made available for this program~~
- 4 ~~should they be insufficient to cover all eligible projects.~~
- 5 Priority on the allocation of all funds shall be given to those
- 6 proposed projects best suited to serve the needs of the elderly
- 7 and handicapped and to proposed projects with federal funding
- 8 participation.
- 9 (2) Any public-purpose organization proposing to provide
- 10 public transportation denied financial assistance as a result of a
- 11 determination by the Department of Roads that an area is adequately
- 12 served by existing transportation services may submit a petition to

13 the department requesting the department to reclassify the proposed
 14 service area as not being adequately served by existing public
 15 transportation services. The petition submitted to the department
 16 by the public-purpose organization shall bear the signatures of
 17 at least fifty registered voters residing in the proposed service
 18 area. Upon receipt of the petition the department shall hold
 19 a public hearing in the proposed service area and after such
 20 hearing shall determine whether the proposed service area is
 21 already adequately served. In carrying out its duties under this
 22 section the department shall comply with the provisions of the
 23 Administrative Procedure Act. The department shall not be required
 24 to conduct a reevaluation hearing for an area more frequently than
 25 once a year.

26 Sec. 3. Original section 13-1212, Reissue Revised
 27 Statutes of Nebraska, and section 13-1210, Revised Statutes
 1 Cumulative Supplement, 2006, are repealed.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 160. Placed on General File - Com AM503.
 AM503

- 1 1. On page 2, line 13, strike "and"; and in line 18
- 2 strike the period and insert "; and
- 3 (c) Person means any individual, corporation, business
- 4 trust, estate, trust, partnership, limited liability company,
- 5 association, joint venture, fire department, public corporation,
- 6 other legal or commercial entity, or governmental subdivision,
- 7 agency, or instrumentality."

LEGISLATIVE BILL 405. Placed on General File - Com AM497.
 AM497

- 1 1. Insert the following new section:
- 2 Sec. 5. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 2, strike beginning with "(1)" in line 15
- 5 through "(2)" in line 24 and show the old matter as stricken; and
- 6 in line 25 strike "election" through "situated" and insert "city
- 7 council of".

LEGISLATIVE BILL 591. Indefinitely postponed.

LEGISLATIVE BILL 592. Indefinitely postponed.

(Signed) Mike Friend, Chairperson

Natural Resources

LEGISLATIVE BILL 530. Placed on General File.

LEGISLATIVE BILL 664. Placed on General File.

LEGISLATIVE BILL 202. Placed on General File - Com AM13.
AM13

Amendments to LB 202

- 1 1. On page 2, line 13, before "property" insert "real";
- 2 and in line 15 strike "that consists" and insert "consisting only".

LEGISLATIVE BILL 418. Indefinitely postponed.

LEGISLATIVE BILL 503. Indefinitely postponed.

(Signed) LeRoy Louden, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 663A. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 663, One Hundredth Legislature, First Session, 2007.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR 39	Health and Human Services

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

PROPOSED RULES CHANGES

Senator Hudkins offered the following proposed rules changes:

Amend Rule 3 Sec. 17. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be ~~placed on General File or~~ referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. ~~Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.~~

Amend Rule 3 Sec. 19. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

~~(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. Final action taken by the committee following a motion filed pursuant to this subsection, and prior to when debate is initiated on the motion by the Legislature, shall take precedence over such motion. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.~~

~~(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.~~

Amend Rule 9 Sec. 6. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. ~~Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise must be disposed of by the Legislature within three legislative days after the motion is available for consideration or it shall be deemed defeated.~~

Amend Rule 9 Sec. 7. Bills and Resolutions Held by Committee. ~~If the committee has not taken final action on a bill or resolution within two legislative days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.~~

Referred to the Rules Committee.

SELECT FILE

LEGISLATIVE BILL 296. The Johnson amendment, AM435, printed separately and referred to on page 648 and considered in this day's Journal, was renewed.

Senator Johnson asked unanimous consent to pass over LB 296. No objections. So ordered.

LEGISLATIVE BILL 248. Advanced to E & R for engrossment.

LEGISLATIVE BILL 347. Senator Friend withdrew his amendment, AM395, found on page 597.

Senator Friend renewed his amendment, AM477, found on page 669.

The Friend amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 231. Advanced to E & R for engrossment.

LEGISLATIVE BILL 145. ER8025, found on page 654, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 83. ER8027, found on page 654, was adopted.

Senator Synowiecki offered the following amendment:
AM501

(Amendments to E & R amendments, ER8027)

- 1 1. Insert the following new section:
- 2 Sec. 7. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The Synowiecki amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 464. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

RESOLUTIONS**LEGISLATIVE RESOLUTION 40.** Introduced by Nelson, 6.

WHEREAS, Eric A. Spomer, of Troop 75, Omaha, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the award is a performance-based achievement whose standards have been well-maintained over the years; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must earn 21 merit badges and fulfill requirements in the areas of leadership, service, and outdoor skills; and

WHEREAS, a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Eric A. Spomer, through his commitment to scouting principles and hard work, will join other distinguished individuals who are Eagle Scouts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Eric A. Spomer on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Eric A. Spomer at 2668 N. 129th Circle, Omaha, NE 68164.

Laid over.

LEGISLATIVE RESOLUTION 41. Introduced by Nelson, 6.

WHEREAS, Skutt Catholic High School won the 2007 Class B State Wrestling Tournament; and

WHEREAS, the Skutt Catholic High School wrestling team has won an extraordinary ten consecutive state championships; and

WHEREAS, Skutt Catholic High School has become an elite institution in both academics and athletics; and

WHEREAS, the students of Skutt Catholic High School have generously donated more than ten thousand hours of community service to the citizens of Nebraska; and

WHEREAS, Skutt Catholic High School has earned the prestigious status of "College Preparatory Accredited"; and

WHEREAS, the members of the Skutt Catholic High School wrestling team have conducted themselves with the utmost level of dignity and respect; and

WHEREAS, Skutt Catholic High School wrestling coach Brad Hildebrandt has proven to be a master at developing both the wrestling skills and the character of his students; and

WHEREAS, Skutt Catholic High School will continue to exhibit a high level of excellence in both academics and athletics for years to come.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Josh Anderson, Jake Cardenas, Tim Chavez, Michael Corritore, Quintin Cottle, Zach Cottle, Patrick Deao, Andy Hollins, Matthew Katusin, Tyler Kottas, Aaron Large, Matthew Muschall, Tyler Sackett, and Derek Vogel for their achievement in claiming the 2007 Class B State Wrestling Championship.

2. That the Legislature congratulates Head Coach Brad Hildebrandt along with assistant coaches Jeremy Moore, Chas DeVetter, Mack LaRock, and Marcus Odorisio for their excellence in teaching and providing guidance to the young adults on the wrestling team and all the students of Skutt Catholic High School.

3. That a copy of this resolution be sent to Skutt Catholic High School principal Patrick Slattery and wrestling coach Brad Hildebrandt.

Laid over.

COMMITTEE REPORTS **Business and Labor**

LEGISLATIVE BILL 57. Placed on General File.

LEGISLATIVE BILL 462. Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

General Affairs

LEGISLATIVE BILL 345. Indefinitely postponed.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Steven Bloch - Nebraska Arts Council
Sandra J. Schroeder - Nebraska Arts Council
Joanne F. Shephard - Nebraska Arts Council

VOTE: Aye: Senators McDonald, Karpisek, Dierks, Erdman, Janssen, Preister. Nay: None. Absent: Senators Dubas and Friend.

(Signed) Vickie McDonald, Chairperson

NOTICE OF COMMITTEE HEARING **Transportation and Telecommunications** Room 1113

LR 37 Tuesday, March 6, 2007

1:30 p.m.

(Signed) Deb Fischer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 568. Senator Chambers withdrew his amendment FA32, found on page 667.

Senator Preister renewed his amendment, FA31, found on page 667.

The Preister amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 299. Title read. Considered.

Committee AM189, found on page 460, was considered.

Senator Stuthman withdrew his amendment, AM342, found on page 631.

The committee amendment was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Senator Hudkins renewed her amendment, AM245, found on page 496.

The Hudkins amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 374. Title read. Considered.

SPEAKER FLOOD PRESIDING

Senator Wightman renewed his amendment, AM443, found on page 644.

The Wightman amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 203. Title read. Considered.

Committee AM171, found on page 474, was considered.

Senator Gay offered the following amendment to the committee amendment:

AM499

(Amendments to Standing Committee amendments, AM171)

1 1. Strike sections 5 and 6 and insert the following new
2 sections:
3 Sec. 5. Section 71-452, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 71-452 Within fifteen days after service of a notice
6 under section 71-451, an applicant or a licensee shall notify the
7 director in writing that the applicant or licensee (1) desires
8 to contest the notice and request an informal conference with a
9 representative of the department in person or by other means at
10 the request of the applicant or licensee, (2) desires to contest
11 the notice and request an informal conference with a representative
12 peer review organization with which the department has contracted,
13 (3) desires to contest the notice and request a hearing, or (3)
14 (4) does not contest the notice. If the director does not receive
15 such notification within such fifteen-day period, the action of the
16 department shall be final.

17 Sec. 6. Section 71-453, Reissue Revised Statutes of
18 Nebraska, is amended to read:
19 71-453 (1) The director shall assign a representative of
20 the department, other than the individual who did the inspection
21 upon which the notice is based, or a representative peer review
22 organization to hold an informal conference with the applicant or
1 licensee within thirty days after receipt of a request made under
2 subdivision (1) or (2) of section 71-452. Within twenty working
3 days after the conclusion of the conference, the representative or
4 representative peer review organization shall report in writing to
5 the department its conclusion regarding whether to affirm, modify,
6 or dismiss the notice. The representative shall state in writing
7 and the specific reasons for affirming, modifying, or dismissing
8 the notice the conclusion and shall immediately transmit copies of
9 the statement provide a copy of the report to the director and the
10 applicant or licensee. ~~The applicant's or licensee's copy of such~~
11 ~~statement shall be sent~~

12 (2) Within ten working days after receiving a report
13 under subsection (1) of this section, the department shall
14 consider such report and affirm, modify, or dismiss the notice
15 and shall state the specific reasons for such decision, including,
16 if applicable, the specific reasons for not adopting the conclusion
17 of the representative or representative peer review organization
18 as contained in such report. The department shall provide the
19 applicant or licensee with a copy of such decision by certified
20 mail to the last address shown in the records of the department.
21 If the applicant or licensee desires to contest ~~the an~~ affirmed
22 or modified notice, the applicant or licensee shall notify the
23 director in writing within five working days after receiving
24 such ~~statement decision~~ that the applicant or licensee requests a
25 hearing.

26 (2)-(3) If an applicant or a licensee successfully

27 demonstrates during an informal conference or a hearing that the
 1 deficiencies should not have been cited in the notice, (a) the
 2 deficiencies shall be removed from the notice and the deficiency
 3 statement and (b) any sanction imposed solely as a result of those
 4 cited deficiencies shall be rescinded.

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 32 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 32.

GENERAL FILE

LEGISLATIVE BILL 203. The Gay amendment, AM499, found in this day's Journal, to the committee amendment, was renewed.

SENATOR LANGEMEIER PRESIDING

The Gay amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 286. Title read. Considered.

Committee AM178, printed separately and referred to on page 476, was considered.

Senator Fischer renewed her amendment, AM290, found on page 644, to the committee amendment.

The Fischer amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 34. Title read. Considered.

Senator Erdman renewed his amendment, AM205, found on page 482.

Senator Schimek renewed her amendment, AM509, found in this day's Journal, to the Erdman amendment.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 227. Placed on General File - Com AM256.
AM256

- 1 1. On page 2, line 4, after "animal" insert "in one's
- 2 care, whether as owner or custodian.".
- 3 2. On page 3, lines 10 through 16, strike the new
- 4 matter and reinstate the stricken matter; in line 11 after "who"
- 5 insert "intentionally, knowingly, or recklessly"; and in line 12
- 6 after "misdemeanor" insert "unless the abandonment or cruel neglect
- 7 results in serious injury or illness or death of the animal, in
- 8 which case it is a Class IV felony".

LEGISLATIVE BILL 639. Placed on General File - Com AM483.
AM483

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 Section 1. (1) Except as provided in subsection (4) of
- 4 this section, purchases of legal services by the school board of a
- 5 school district in a learning community and the learning community
- 6 coordinating council shall be made through the competitive sealed
- 7 bidding process prescribed in subsection (2) of this section for
- 8 three-year contract periods for periods beginning January 1, 2008.
- 9 All contracts for such services shall be approved as to form by the
- 10 county attorney, and a copy of each contract shall be filed with
- 11 the county clerk.
- 12 (2) When competitive sealed bidding is required by this
- 13 section:
- 14 (a) Sealed bids shall be solicited by public notice in a
- 15 legal newspaper of general circulation in the learning community at
- 16 least once a week for two consecutive weeks before the final date
- 17 of submitting bids;
- 18 (b) In addition to subdivision (2)(a) of this section,
- 19 sealed bids may also be solicited by sending requests by mail to
- 20 prospective attorneys and by posting notice on a public bulletin
- 21 board;
- 22 (c) The notice shall contain: (i) A general description
- 23 of the proposed contract; (ii) an invitation for sealed bids; (iii)

1 the name of the official in charge of receiving the bids; (iv) the
2 date, time, and place the bids received shall be opened; and (v)
3 whether alternative terms will be considered;

4 (d) All bids shall remain sealed until opened on the
5 published date and time by the school board or the coordinating
6 council or its designated agent;

7 (e) Any or all bids may be rejected and the bid need not
8 be awarded at the time of opening, but may be held over for further
9 consideration;

10 (f) If all bids received on a pending contract are for
11 the same unit price or total amount and appear to be so as
12 the result of collusion between the bidders, the school board or
13 coordinating council shall have authority to reject all bids and
14 to purchase the services in the open market, except that the price
15 paid in the open market shall not exceed the bid price;

16 (g) Each bid, with the name of bidder, shall be entered
17 on a record and each record, with the successful bidder indicated
18 thereon, shall, after the award of contract, be open to public
19 inspection; and

20 (h) All lettings on such bids shall be public and shall
21 be conducted as provided in Chapter 73, article 1.

22 (3) In awarding the bid, the following elements shall be
23 given consideration when applicable:

24 (a) The price;

25 (b) The ability, capacity, and skill of the attorney to
26 perform;

27 (c) The character, integrity, reputation, judgment,
1 experience, and efficiency of the attorney;

2 (d) The quality of previous performance;

3 (e) Whether the attorney can perform within the time
4 specified;

5 (f) The previous and existing compliance of the attorney
6 with laws relating to the contract;

7 (g) The nature of the legal service taking into
8 consideration any commonly accepted tests and standards of service
9 usability and user requirements; and

10 (h) Such other information as may be secured having a
11 bearing on the decision.

12 (4)(a) The school board or coordinating council may, by
13 majority vote of its members, waive the bidding requirements of
14 this section if such waiver is necessary to meet an emergency which
15 threatens serious loss of life, health, or property.

16 (b) The school board or coordinating council may, by
17 majority vote of its members, extend a legal services contract at
18 the end of any three-year contract period only for purposes of
19 legal services related to concluding litigation pending on such
20 date.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB 568:
AM210

- 1 1. Strike original section 2 and insert the following new
2 sections:
3 Section 1. Section 81-1534, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 81-1534 Sections 81-1534 to 81-1566 and section 2 of
6 this act shall be known and may be cited as the Nebraska Litter
7 Reduction and Recycling Act.
8 Sec. 2. Prior to the effective date of this act, in
9 order to identify the litter problem more fully and to measure
10 the progress made by the department, the department conducted, or
11 granted funds to enable public or private agencies to conduct,
12 a survey measuring the amount and composition of litter on the
13 public highways, recreation lands, and urban areas in the state.
14 The department shall conduct, or grant funds to enable public or
15 private agencies to conduct, followup surveys on a sufficiently
16 regular basis to provide meaningful measurement of the amount and
17 composition of litter and the rate of littering. The results of
18 these surveys shall be reported to the Governor.
19 Sec. 4. Original section 81-1534, Reissue Revised
20 Statutes of Nebraska, and section 81-15,160, Revised Statutes
21 Cumulative Supplement, 2006, are repealed.
22 2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Pirsch asked unanimous consent to add his name as cointroducer to LBs 93, 132, and 160. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 587. No objections. So ordered.

Senator Mines asked unanimous consent to add his name as cointroducer to LB 661. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Carlson withdrew his name as cointroducer to LB 701.

VISITORS

Visitors to the Chamber were 9 seventh-grade students and teacher from Seward Middle School; Shane Smith from McCook; 15 twelfth-grade students and teachers from Lawrence and Nelson; members of Youth Leadership Council from Madison High School; 31 fourth-grade students

and teachers from Blue Hill; and Madison County Constituents from Battle Creek, Norfolk, and Madison.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Rogert, the Legislature adjourned until 9:00 a.m., Wednesday, February 28, 2007.

Patrick J. O'Donnell
Clerk of the Legislature