

E AND R AMENDMENTS TO LB 858

Introduced by Larson, 40, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 71-5666, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-5666 Each student loan recipient shall execute an
6 agreement with the state. Such agreement shall be exempt from the
7 requirements of sections 73-501 to 73-509 and section 12 of this
8 act and shall include the following terms, as appropriate:

9 (1) The borrower agrees to practice the equivalent of
10 one year of full-time practice of an approved specialty in a
11 designated health profession shortage area in Nebraska for each
12 year of education for which a loan is received and agrees to accept
13 medicaid patients in his or her practice;

14 (2) If the borrower practices an approved specialty in
15 a designated health profession shortage area in Nebraska, the
16 loan shall be forgiven as provided in this section. Practice
17 in a designated area shall commence within three months of the
18 completion of formal education, which may include a period not to
19 exceed five years to complete specialty training in an approved
20 specialty. The commission may approve exceptions to the three-month
21 restriction upon showing good cause. Loan forgiveness shall occur
22 on a quarterly basis, with completion of the equivalent of three
23 months of full-time practice resulting in the cancellation of

1 one-fourth of the annual loan amount;

2 (3) If the borrower practices an approved specialty in
3 Nebraska but not in a designated health profession shortage area,
4 practices a specialty other than an approved specialty in Nebraska,
5 or practices outside Nebraska, the borrower shall repay one hundred
6 fifty percent of the outstanding loan principal with interest at
7 a rate of eight percent simple interest per year from the date of
8 default. Such repayment shall commence within six months of the
9 completion of formal education, which may include a period not to
10 exceed five years to complete specialty training in an approved
11 specialty, and shall be completed within a period not to exceed
12 twice the number of years for which loans were awarded;

13 (4) If a borrower who is a medical, dental, or
14 doctorate-level mental health student determines during the first
15 or second year of medical, dental, or doctorate-level mental health
16 education that his or her commitment to the loan program cannot
17 be honored, the borrower may repay the outstanding loan principal,
18 plus six percent simple interest per year from the date the loan
19 was granted, prior to graduation from medical or dental school
20 or a mental health practice program without further penalty or
21 obligation. Master's level mental health and physician assistant
22 student loan recipients shall not be eligible for this provision;

23 (5) If the borrower discontinues the course of study for
24 which the loan was granted, the borrower shall repay one hundred
25 percent of the outstanding loan principal. Such repayment shall
26 commence within six months of the date of discontinuation of the
27 course of study and shall be completed within a period of time not

1 to exceed the number of years for which loans were awarded; and

2 (6) In the event of a borrower's total and permanent
3 disability or death, the unpaid debt accrued under the Rural Health
4 Systems and Professional Incentive Act shall be canceled.

5 Sec. 2. Section 71-5667, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-5667 Loan agreements executed prior to July 1, 2007,
8 under the Nebraska Medical Student Assistance Act or the Rural
9 Health Systems and Professional Incentive Act may be renegotiated
10 and new agreements executed to reflect the terms required by
11 section 71-5666. No funds repaid by borrowers under the terms
12 of agreements executed prior to July 1, 2007, shall be refunded.
13 Any repayments being made under the terms of prior agreements may
14 be discontinued upon execution of a new agreement if conditions
15 permit. Any agreement renegotiated pursuant to this section shall
16 be exempt from the requirements of sections 73-501 to 73-509 and
17 section 12 of this act.

18 Sec. 3. Section 71-5668, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-5668 Each loan repayment recipient shall execute an
21 agreement with the department and a local entity. Such agreement
22 shall be exempt from the requirements of sections 73-501 to 73-509
23 and section 12 of this act and shall include, at a minimum, the
24 following terms:

25 (1) The loan repayment recipient agrees to practice his
26 or her profession, and a physician, dentist, nurse practitioner, or
27 physician assistant also agrees to practice an approved specialty,

1 in a designated health profession shortage area for at least three
2 years and to accept medicaid patients in his or her practice;

3 (2) In consideration of the agreement by the recipient,
4 the State of Nebraska and a local entity within the designated
5 health profession shortage area will provide equal funding for
6 the repayment of the recipient's qualified educational debts, in
7 amounts up to twenty thousand dollars per year per recipient for
8 physicians, dentists, and psychologists and up to ten thousand
9 dollars per year per recipient for physician assistants, nurse
10 practitioners, pharmacists, physical therapists, occupational
11 therapists, and mental health practitioners toward qualified
12 educational debts for up to three years. The department shall make
13 payments directly to the recipient; and

14 (3) If the loan repayment recipient discontinues practice
15 in the shortage area prior to completion of the three-year
16 requirement, the recipient shall repay to the state one hundred
17 twenty-five percent of the total amount of funds provided to the
18 recipient for loan repayment. Upon repayment by the recipient to
19 the department, the department shall reimburse the local entity its
20 share of the funds.

21 Sec. 4. Section 73-501, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 73-501 The purposes of sections 73-501 to 73-509 and
24 section 12 of this act are to establish a standardized, open,
25 and fair process for selection of contractual services, using
26 performance-based contracting methods to the maximum extent
27 practicable, and to create an accurate reporting of expended funds

1 for contractual services. This process shall promote a standardized
2 method of selection for state contracts for services, assuring
3 a fair assessment of qualifications and capabilities for project
4 completion. There shall also be an accountable, efficient reporting
5 method of expenditures for these services.

6 Sec. 5. Section 73-502, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 73-502 For purposes of sections 73-501 to 73-509 and
9 section 12 of this act:

10 (1) Contract for services means any contract that
11 directly engages the time or effort of an independent contractor
12 whose purpose is to perform an identifiable task, study, or report
13 rather than to furnish an end item of supply, goods, equipment,
14 or material;

15 (2) Division means the materiel division of the
16 Department of Administrative Services;

17 ~~(2)~~ (3) Emergency means necessary to meet an urgent or
18 unexpected requirement or when health and public safety or the
19 conservation of public resources is at risk;

20 (4) Occasional means seasonal, irregular, or fluctuating
21 in nature;

22 ~~(3)~~ Materiel division means the materiel division of
23 the Department of Administrative Services established in section
24 ~~81-1118;~~

25 ~~(4)~~ (5) Sole source means of such a unique nature
26 that the contractor selected is clearly and justifiably the only
27 practicable source to provide the service. Determination that the

1 contractor selected is justifiably the sole source is based on
2 either the uniqueness of the service or sole availability at the
3 location required; and

4 ~~(5)~~ (6) State agency or agency means any state agency,
5 board, or commission of this state other than the University of
6 Nebraska, the Nebraska state colleges, the courts, the Legislature,
7 or any officer or state agency established by the Constitution of
8 Nebraska; and-

9 (7) Temporary means a finite period of time with respect
10 to a specific task or result relating to a contract for services.

11 Sec. 6. Section 73-503, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 73-503 (1) All state agencies shall process and document
14 all contracts for services through the state accounting system.
15 The Director of Administrative Services shall specify the format
16 and type of information for state agencies to provide and approve
17 any alternatives to such formats. All state agencies shall enter
18 the information on new contracts for services and amendments to
19 existing contracts for services. ~~No later than September 15, 2003,~~
20 ~~all state agencies shall have entered such information about all~~
21 ~~contracts for services made prior to April 1, 2003, that are still~~
22 ~~in effect.~~ State agency directors shall ensure that contracts for
23 services are coded appropriately into the state accounting system.

24 (2) The requirements of this section also apply to
25 the courts, the Legislature, and any officer or state agency
26 established by the Constitution of Nebraska, but not to the
27 University of Nebraska.

1 (3) The Nebraska state colleges shall document all
2 contracts for services through the state accounting system.

3 (4) The Director of Administrative Services shall
4 establish a centralized data base, either through the state
5 accounting system or through an alternative system, which
6 specifically identifies where a copy of each contract for services
7 may be found.

8 Sec. 7. Section 73-504, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 73-504 Except as provided in section 73-507:

11 (1) All state agencies shall comply with the review
12 and competitive bidding processes provided in this section for
13 contracts for services. Unless otherwise exempt, no state agency
14 shall expend funds for contracts for services without complying
15 with this section;

16 (2) All proposed state agency contracts for services
17 in excess of fifty thousand dollars shall be bid in the manner
18 prescribed by the ~~materiel~~ division procurement manual or a process
19 approved by the Director of Administrative Services. Bidding may be
20 performed at the state agency level or by the ~~materiel~~ division.
21 Any state agency may request that the ~~materiel~~ division conduct the
22 competitive bidding process;

23 (3) If the bidding process is at the state agency level,
24 then state agency directors shall ensure that bid documents for
25 each contract for services in excess of fifty thousand dollars
26 are prereviewed by the ~~materiel~~ division and that any changes
27 to the proposed contract that differ from the bid documents in

1 the proposed contract for services are reviewed by the ~~materiel~~
2 division before signature by the parties;

3 (4) State agency directors, in cooperation with the
4 ~~materiel~~ division, shall be responsible for appropriate public
5 notice of an impending contractual services project in excess of
6 fifty thousand dollars in accordance with the ~~materiel~~ division's
7 procurement manual and sections 73-501 to 73-509 and section 12 of
8 this act; and

9 (5) State agency directors, in cooperation with the
10 ~~materiel~~ division, shall be responsible for ensuring that a request
11 for contractual services in excess of fifty thousand dollars
12 is filed with the ~~materiel~~ division for dissemination or web
13 site access to vendors interested in competing for contracts for
14 services.

15 Sec. 8. Section 73-506, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 73-506 State agency contracts for services shall be
18 subject to the following requirements:

19 (1) Payments shall be made when contractual deliverables
20 are received or in accordance with specific contractual terms and
21 conditions;

22 (2) State agencies ~~may~~ shall not enter into contracts for
23 services with an unspecified or unlimited duration; ~~and~~

24 (3) State agencies ~~may~~ shall not structure contracts for
25 services to avoid any of the requirements of sections 73-501 to
26 73-509 and section 12 of this act; ~~and-~~

27 (4) State agencies shall not enter into contracts for

1 services in excess of fifteen million dollars unless the state
2 agency has complied with section 12 of this act.

3 Sec. 9. Section 73-507, Reissue Revised Statutes of
4 Nebraska, as amended by section 5, Legislative Bill 4, One Hundred
5 Second Legislature, First Special Session, 2011, is amended to
6 read:

7 73-507 (1) Subject to review by the Director of
8 Administrative Services, the ~~materiel~~ division shall provide
9 procedures to grant limited exceptions from ~~the provisions of~~
10 sections 73-504, 73-508, and 73-509 for:

11 (a) Sole source and emergency contracts; and

12 (b) Other circumstances or specific contracts when any
13 of the requirements of sections 73-504, 73-508, and 73-509 are not
14 appropriate for or are not compatible with the circumstances or
15 contract. The ~~materiel~~ division shall provide a written rationale
16 which shall be kept on file when granting an exception under this
17 subdivision.

18 (2) The following types of contracts for services are not
19 subject to sections 73-504, 73-508, and 73-509 and section 12 of
20 this act:

21 (a) Contracts for services subject to the Nebraska
22 Consultants' Competitive Negotiation Act;

23 (b) Contracts for services subject to federal law,
24 regulation, or policy or state statute, under which a state
25 agency is required to use a different selection process or to
26 contract with an identified contractor or type of contractor;

27 (c) Contracts for professional legal services and

1 services of expert witnesses, hearing officers, or administrative
2 law judges retained by state agencies for administrative or court
3 proceedings;

4 (d) Contracts involving state or federal financial
5 assistance passed through by a state agency to a political
6 subdivision;

7 (e) Contracts with a value of fifteen million dollars or
8 less with direct providers of medical, behavioral, or developmental
9 health services, child care, or child welfare services to an
10 individual;

11 (f) Agreements for services to be performed for a state
12 agency by another state or local government agency or contracts
13 made by a state agency with a local government agency for the
14 direct provision of services to the public;

15 (g) Agreements for services between a state agency and
16 the University of Nebraska, the Nebraska state colleges, the
17 courts, the Legislature, or other officers or state agencies
18 established by the Constitution of Nebraska;

19 (h) Department of Insurance contracts for financial
20 or actuarial examination, for rehabilitation, conservation,
21 reorganization, or liquidation of licensees, and for professional
22 services related to residual pools or excess funds under the
23 agency's control;

24 (i) Department of Roads contracts for all road and bridge
25 projects;

26 (j) Nebraska Investment Council contracts; and

27 (k) Contracts under section 3 of this act.

1 Sec. 10. Section 73-508, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 73-508 Except as provided in section 73-507, all
4 proposals for sole source contracts for services in excess of fifty
5 thousand dollars shall be preapproved by the ~~materiel~~ division
6 except in emergencies. In case of an emergency, contract approval
7 by the state agency director or his or her designee is required.
8 A copy of the contract and state agency justification of the
9 emergency shall be provided to the Director of Administrative
10 Services within three business days after contract approval. The
11 state agency shall retain a copy of the justification with the
12 contract in the state agency files. The Director of Administrative
13 Services shall maintain a complete record of such sole source
14 contracts for services.

15 Sec. 11. Section 73-509, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 73-509 Each proposed contract for services in excess
18 of fifty thousand dollars which requests services that are now
19 performed or have, within the year immediately preceding the date
20 of the proposed contract, been performed by a state employee
21 covered by the classified personnel system or by any labor contract
22 shall use a pre-process prescribed by the ~~materiel~~ division. The
23 pre-process shall include evaluation of the displacement of the
24 employee of the state agency or position held by the employee of
25 the state agency within the preceding year and of the disadvantages
26 of such a contract for services against the expected advantages,
27 whether economic or otherwise. Documentation of each evaluation

1 shall be maintained in the contract file by the state agency.

2 Sec. 12. (1) A state agency shall not enter into a
3 proposed contract for services in excess of fifteen million dollars
4 until the state agency has submitted to the division a copy
5 of the proposed contract and proof-of-need analysis described in
6 this section and has subsequently received certification from the
7 division to enter into the contract.

8 (2) The proof-of-need analysis shall require state
9 agencies to provide the following information:

10 (a) A description of the service that is the subject of
11 the proposed contract;

12 (b) The reason for purchase of the service rather than
13 the use or hiring of state employees, including, but not limited
14 to, whether there is an administrative restriction on hiring
15 additional state employees;

16 (c) A review of any long-term actual cost savings of the
17 contract and an explanation of the analysis used to determine such
18 savings;

19 (d) An explanation of the process by which the state
20 agency will include adequate control mechanisms to ensure that the
21 services are provided pursuant to the terms of the contract,
22 including a description of the method by which the control
23 mechanisms will ensure the quality of services provided by the
24 contract;

25 (e) Identification of the specific state agency employee
26 who will monitor the contract for services for performance;

27 (f) Identification and description of whether the service

1 requested is temporary or occasional;

2 (g) An assessment of the feasibility of alternatives
3 within the state agency to contract for performance of the
4 services;

5 (h) A justification for entering into the contract for
6 services if:

7 (i) The proposed contract will not result in cost savings
8 to the state; and

9 (ii) The public's interest in having the particular
10 service performed directly by the state agency exceeds the public's
11 interest in the proposed contract;

12 (i) Any federal requirements that the service be provided
13 by a person other than the state agency;

14 (j) Demonstration by the state agency that it has
15 taken formal and positive steps to consider alternatives to such
16 contract, including reorganization, reevaluation of services, and
17 reevaluation of performance; and

18 (k) A description of any relevant legal issues, including
19 barriers to contracting for the service or requirements that the
20 state agency contract for the service.

21 (3) The division shall certify receipt of a proof-of-need
22 analysis and shall report its receipt of the proof-of-need analysis
23 to the state agency no more than thirty days after receiving the
24 analysis. Certification of the proof-of-need analysis means that
25 all information required by this section has been provided to
26 the division by the state agency. If the division certifies the
27 analysis, the state agency may enter into the proposed contract.

1 If the division does not certify the analysis, it shall inform the
2 state agency of the additional information required.

3 (4) If the division certifies a proof-of-need analysis
4 pursuant to this section, the state agency shall file the proposed
5 contract, proof-of-need analysis, and proof of certification with
6 the Legislative Fiscal Analyst.

7 Sec. 13. Section 79-8,137, Revised Statutes Cumulative
8 Supplement, 2010, is amended to read:

9 79-8,137 (1)(a) Prior to receiving any money from a
10 loan pursuant to the Attracting Excellence to Teaching Program, an
11 eligible student shall enter into a contract with the department.
12 Such contract shall be exempt from the requirements of sections
13 73-501 to 73-509 and section 12 of this act.

14 (b) For eligible students who applied for the first time
15 prior to April 23, 2009, the contract shall require that if (i)
16 the borrower is not employed as a teacher in Nebraska for a time
17 period equal to the number of years required for loan forgiveness
18 pursuant to subsection (2) of this section and is not enrolled
19 as a full-time student in a graduate program within six months
20 after obtaining an undergraduate degree for which a loan from the
21 program was obtained or (ii) the borrower does not complete the
22 requirements for graduation within five consecutive years after
23 receiving the initial loan under the program, then the loan must
24 be repaid, with interest at the rate fixed pursuant to section
25 45-103 accruing as of the date the borrower signed the contract,
26 and an appropriate penalty as determined by the department may be
27 assessed. If a borrower fails to remain enrolled at an eligible

1 institution or otherwise fails to meet the requirements of an
2 eligible student, repayment of the loan shall commence within
3 six months after such change in eligibility. The State Board of
4 Education may by rules and regulations provide for exceptions to
5 the conditions of repayment pursuant to this subdivision based upon
6 mitigating circumstances.

7 (c) For eligible students who apply for the first time
8 on or after April 23, 2009, the contract shall require that if (i)
9 the borrower is not employed as a full-time teacher teaching in an
10 approved or accredited school in Nebraska and teaching at least a
11 portion of the time in the shortage area for which the loan was
12 received for a time period equal to the number of years required
13 for loan forgiveness pursuant to subsection (3) of this section
14 and is not enrolled as a full-time student in a graduate program
15 within six months after obtaining an undergraduate degree for which
16 a loan from the program was obtained or (ii) the borrower does not
17 complete the requirements for graduation within five consecutive
18 years after receiving the initial loan under the program, then
19 the loan shall be repaid with interest at the rate fixed pursuant
20 to section 45-103 accruing as of the date the borrower signed
21 the contract and actual collection costs as determined by the
22 department. If a borrower fails to remain enrolled at an eligible
23 institution or otherwise fails to continue to be an eligible
24 student, repayment of the loan shall commence within six months
25 after such change in eligibility. The State Board of Education may
26 by rule and regulation provide for exceptions to the conditions
27 of repayment pursuant to this subdivision based upon mitigating

1 circumstances.

2 (2) If the borrower applied for the first time prior
3 to April 23, 2009, and (a) successfully completes the teacher
4 education program and becomes certified pursuant to sections 79-806
5 to 79-815, (b) becomes employed as a teacher in this state within
6 six months of becoming certified, and (c) otherwise meets the
7 requirements of the contract, payments shall be suspended for the
8 number of years that the borrower is required to remain employed
9 as a teacher in this state under the contract. For each year that
10 the borrower teaches in Nebraska pursuant to the contract, payments
11 shall be forgiven in an amount equal to the amount borrowed for
12 one year, except that if the borrower teaches in a school district
13 that is in a local system classified as very sparse as defined in
14 section 79-1003 or teaches in a school district in which at least
15 forty percent of the students are poverty students as defined in
16 section 79-1003, payments shall be forgiven each year in an amount
17 equal to the amount borrowed for two years.

18 (3) If the borrower applies for the first time on or
19 after April 23, 2009, and (a) successfully completes the teacher
20 education program and major for which the borrower is receiving
21 a forgivable loan pursuant to the program and becomes certified
22 pursuant to sections 79-806 to 79-815 with an endorsement in
23 the shortage area for which the loan was received, (b) becomes
24 employed as a full-time teacher teaching at least a portion of the
25 time in the shortage area for which the loan was received in an
26 approved or accredited school in this state within six months of
27 becoming certified, and (c) otherwise meets the requirements of the

1 contract, payments shall be suspended for the number of years that
2 the borrower is required to remain employed as a teacher in this
3 state under the contract. Beginning after the first two years of
4 teaching full-time in Nebraska following graduation for the degree
5 for which the loan was received, for each year that the borrower
6 teaches full-time in Nebraska pursuant to the contract, the loan
7 shall be forgiven in an amount equal to three thousand dollars,
8 except that if the borrower teaches full-time in a school district
9 that is in a local system classified as very sparse as defined in
10 section 79-1003, teaches in a school building in which at least
11 forty percent of the formula students are poverty students as
12 defined in section 79-1003, or teaches in an accredited or approved
13 private school in Nebraska in which at least forty percent of the
14 enrolled students qualified for free lunches as determined by the
15 most recent data available from the department, payments shall be
16 forgiven each year in an amount equal to six thousand dollars.

17 Sec. 14. Section 79-8,137.04, Revised Statutes Cumulative
18 Supplement, 2010, is amended to read:

19 79-8,137.04 (1) Prior to receiving any money from a
20 loan pursuant to the Enhancing Excellence in Teaching Program, an
21 eligible student shall enter into a contract with the department.
22 Such contract shall be exempt from the requirements of sections
23 73-501 to 73-509 and section 12 of this act. The contract shall
24 require that if (a) the borrower is not employed as a full-time
25 teacher teaching in an approved or accredited school in Nebraska
26 for a time period equal to the number of years required for loan
27 forgiveness pursuant to subsection (2) of this section or (b)

1 the borrower does not complete the requirements for graduation
2 within five consecutive years after receiving the initial loan
3 under the program, then the loan shall be repaid, with interest
4 at the rate fixed pursuant to section 45-103 accruing as of the
5 date the borrower signed the contract and actual collection costs
6 as determined by the department. If a borrower fails to remain
7 enrolled at an eligible institution or otherwise fails to meet
8 the requirements of an eligible student, repayment of the loan
9 shall commence within six months after such change in eligibility.
10 The State Board of Education may by rules and regulations provide
11 for exceptions to the conditions of repayment pursuant to this
12 subsection based upon mitigating circumstances.

13 (2) If the borrower (a) successfully completes the
14 eligible graduate program and major for which the borrower is
15 receiving a forgivable loan pursuant to the Enhancing Excellence in
16 Teaching Program and maintains certification pursuant to sections
17 79-806 to 79-815, (b) maintains employment as a teacher in an
18 approved or accredited school in this state, and (c) otherwise
19 meets the requirements of the contract, payments shall be suspended
20 for the number of years that the borrower is required to remain
21 employed as a teacher in this state under the contract. Beginning
22 after the first two years of teaching full-time in Nebraska
23 following graduation for the degree for which the loan was
24 received, for each year that the borrower teaches full-time in
25 Nebraska pursuant to the contract, the loan shall be forgiven in an
26 amount equal to three thousand dollars, except that if the borrower
27 teaches full-time in a school district that is in a local system

1 classified as very sparse as defined in section 79-1003, teaches in
2 a school building in which at least forty percent of the students
3 are poverty students as defined in section 79-1003, or teaches in
4 an accredited or approved private school in Nebraska in which at
5 least forty percent of the enrolled students qualified for free
6 lunches as determined by the most recent data available from the
7 department, payments shall be forgiven each year in an amount equal
8 to six thousand dollars.

9 Sec. 15. Section 3, Legislative Bill 4, One Hundred
10 Second Legislature, First Special Session, 2011, is amended to
11 read:

12 Sec. 3. (1) The department may collaborate with a federal
13 agency or agencies in a review under the National Environmental
14 Policy Act involving a supplemental environmental impact statement
15 for oil pipeline projects within, through, or across the state.
16 Prior to entering into such shared jurisdiction and authority with
17 a federal agency or agencies, the department shall enter into a
18 memorandum of understanding with such federal agency or agencies
19 that sets forth the responsibilities and schedules that will lead
20 to an effective and timely review under the National Environmental
21 Policy Act involving a supplemental environmental impact statement.

22 (2) Since the objectives of the process are to ensure
23 adequate information gathering, full and careful agency and public
24 review, objective preparation of a supplemental environmental
25 impact statement, adherence to a defined schedule, and an
26 appropriate role for a pipeline carrier which avoids the appearance
27 of conflicts of interest, it is the intent of the Legislature that

1 the state fully fund the process of preparation of a supplemental
2 environmental impact statement and that no fees will be required of
3 an applicant. The department may contract with outside vendors in
4 the process of preparation of a supplemental environmental impact
5 statement. The department shall make every reasonable effort to
6 ensure that each vendor has no conflict of interest or relationship
7 to any pipeline carrier that applies for an oil pipeline permit.

8 (3) In order for the process to be efficient and
9 expeditious, the department's contracts with vendors pursuant to
10 this section for a supplemental environmental impact statement
11 shall not be subject to the Nebraska Consultants' Competitive
12 Negotiation Act or sections 73-301 to 73-306 or 73-501 to 73-509
13 and section 12 of this act.

14 (4) After the supplemental environmental impact statement
15 is prepared, the department shall submit it to the Governor. Within
16 thirty days after receipt of the supplemental environmental impact
17 statement from the department, the Governor shall indicate, in
18 writing, to the federal agency or agencies involved in the review
19 as to whether he or she approves any of the routes reviewed in the
20 supplemental environmental impact statement.

21 Sec. 16. Original sections 71-5666, 71-5667, 71-5668,
22 73-501, 73-502, 73-503, 73-504, 73-506, 73-508, and 73-509, Reissue
23 Revised Statutes of Nebraska, sections 79-8,137 and 79-8,137.04,
24 Revised Statutes Cumulative Supplement, 2010, section 73-507,
25 Reissue Revised Statutes of Nebraska, as amended by section 5,
26 Legislative Bill 4, One Hundred Second Legislature, First Special
27 Session, 2011, and section 3, Legislative Bill 4, One Hundred

1 Second Legislature, First Special Session, 2011, are repealed.

2 2. On page 1, strike beginning with "and" in line
3 6 through line 15 and insert "section 73-507, Reissue Revised
4 Statutes of Nebraska, as amended by section 5, Legislative Bill
5 4, One Hundred Second Legislature, First Special Session, 2011,
6 and section 3, Legislative Bill 4, One Hundred Second Legislature,
7 First Special Session, 2011; to restate intent; to define and
8 redefine terms; to provide additional requirements for contracts
9 in excess of fifteen million dollars; to change exceptions from
10 contracting requirements; to provide duties for state agencies and
11 the materiel division of the Department of Administrative Services;
12 to eliminate obsolete provisions; to harmonize provisions; and to
13 repeal the original sections."