



Ninety-Seventh Legislature - Second Session - 2002
Committee Statement
LB 1011

Hearing Date: February 19, 2002
Committee On: Executive Board

Introducer(s): (Kristensen, Chambers)
Title: Authorize employment of Counsel to the Legislature

Roll Call Vote – Final Committee Action:

- X Advanced to General File
 - Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

6	Yes	Senator Coordsen, Byars, Chambers, Cudaback, Kristensen, Suttle
1	No	Senator Engel
1	Present, not voting	Senator Jones
1	Absent	Senator Beutler

Proponents:

Senator Doug Kristensen
Senator Ernie Chambers

Representing:

Introducer
Co-sponsor

Opponents:

Steve Grasz

Representing:

Attorney General's Office

Neutral:

Senator Bob Wickersham

Representing:

Himself

Summary of purpose and/or changes:

LB 1011 authorizes the Executive Board to employ a Counsel to the Legislature and direct the scope of employment of such Counsel. The Counsel must be licensed to practice law in Nebraska and may consist of one or more individuals or firms.

The duties and responsibilities of the Counsel to the Legislature are to (1) provide legal representation to the Legislature, or any member or staff when sued in his or her official capacity; (2) to initiate or intervene in litigation on behalf of the Legislature, its members or staff; (3) to provide legal advice regarding policies and procedures; and (4) to provide technical legal assistance regarding legislation.

The Counsel to the Legislature's client is the Executive Board and may include any member of the Legislature or legislative staff member, as determined by the Board. However, a member of the Legislature or legislative staff member may retain private counsel at any time at his or her

own expense. Prior to taking any action regarding negotiating, initiating, settling, or proceeding with litigation, the Counsel to the Legislature shall get authorization from the Executive Board. The attorney-client privilege applies and materials of the Counsel arising out of the attorney-client relationship are not public record.

The Executive Board is authorized to develop policies and procedures to implement this legislation.

LB 1011 also amends current law so that it is clear that the Department of Justice has general control and supervision of all legal actions in which the State of Nebraska is a party, except as provided in this legislation.

Explanation of amendments, if any:

Senator George Coordsen, Chairperson