

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 482**

Introduced by Smith, 14.

Read first time January 17, 2017

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to public lettings and contracts; to adopt the

2 Government Neutrality in Contracting Act.

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

1           Section 1. This act shall be known and may be cited as the  
2 Government Neutrality in Contracting Act.

3           Sec. 2. The purposes of the Government Neutrality in Contracting  
4 Act are to provide for the efficient procurement of goods and services by  
5 governmental units and to promote the economical, nondiscriminatory, and  
6 efficient administration and completion of construction projects funded,  
7 assisted, or awarded by a governmental unit.

8           Sec. 3. For purposes of the Government Neutrality in Contracting  
9 Act:

10           (1) Bidder means any individual, firm, partnership, limited  
11 liability company, corporation, or other association of persons that  
12 makes an offer to perform a public contract for a governmental unit;

13           (2) Collective-bargaining agreement means an agreement between any  
14 employer and a labor organization, whether or not a third party is also a  
15 party to the agreement, which regulates terms and conditions of  
16 employment;

17           (3) Construction means the business of construction, alteration,  
18 repairing, dismantling, or demolition of airports, bridges, buildings,  
19 canals, dams, disposal plants, levees, pipelines, power lines, roads,  
20 sewers, streets, transmission lines, viaducts, water and gas mains, water  
21 filters, water tanks, water towers, water wells, and every other type of  
22 structure, project, development, or improvement coming within the  
23 definition of real property or personal property, whether such property  
24 is to be occupied by the owner or held either for sale or rental;

25           (4) Governmental unit means the State of Nebraska, any agency of the  
26 state, or any political subdivision of the state, including any county,  
27 city, village, township, school district, learning community, educational  
28 service unit, district, authority, the University of Nebraska, the  
29 Nebraska state college system, the Nebraska community college system, any  
30 entity created pursuant to the Interlocal Cooperation Act or the Joint  
31 Public Agency Act, or any public corporation or entity, whether organized

1 and existing under direct provisions of the Constitution of Nebraska or  
2 laws of the State of Nebraska or by virtue of charter, corporate  
3 articles, or other legal instruments executed under authority of the  
4 constitution or laws and any agent, agency, board, commission, authority,  
5 instrumentality, subdivision, or other body of any of such entities;

6 (5) Public benefit means a grant, loan, tax abatement, tax credit,  
7 or any other similar type of benefit awarded by a governmental unit;

8 (6) Public contract means any contract, bid documents, or other  
9 controlling documents for the performance of construction between a  
10 governmental unit and a public contractor, including those between a  
11 contractor and a subcontractor;

12 (7) Public contractor means any individual, firm, partnership,  
13 limited liability company, corporation, or other association of persons  
14 engaged in construction for a governmental unit. Public contractor  
15 includes any subcontractor engaged in such construction and any person  
16 who is providing or arranging for labor for such construction for a  
17 contractor, either as an employee or as an independent contractor;

18 (8) Real property means real estate that is improved. Real property  
19 includes public land and any leasehold, tenement, or improvement placed  
20 on the real property; and

21 (9) Subcontractor means a person or entity that has contracted to  
22 furnish labor or materials to, or performed labor or supplied materials  
23 for, a public contractor or another subcontractor in connection with a  
24 contract for construction. Subcontractor includes materialmen and  
25 suppliers.

26 Sec. 4. Unless otherwise required by federal law, a governmental  
27 unit shall ensure that any requests for proposals or bid specifications  
28 for a public contract or the procurement procedures for a public contract  
29 do not contain:

30 (1) A term that requires, prohibits, encourages, or discourages  
31 bidders, public contractors, or subcontractors from entering into or

1 adhering to a collective-bargaining agreement relating to construction  
2 under the public contract; or

3 (2) A term that discriminates against bidders, public contractors,  
4 or subcontractors based on status as a party or nonparty to, or the  
5 willingness or refusal to enter into, a collective-bargaining agreement  
6 relating to construction under the public contract.

7 Sec. 5. A governmental unit shall not award a public benefit that  
8 is conditioned upon a requirement that the recipient of the public  
9 benefit include a term described in section 4 of this act in a public  
10 contract for any construction that is the subject of the public benefit.  
11 Any such included term is void and of no effect.

12 Sec. 6. A governmental unit shall not place any of the terms  
13 described in section 4 of this act in requests for proposals or bid  
14 specifications for a public contract or in the procurement procedures for  
15 a public contract. Any such included term is void and of no effect.

16 Sec. 7. The requirements of sections 4 to 6 of this act do not  
17 apply to public benefits awarded or public contracts executed before the  
18 effective date of this act.

19 Sec. 8. Nothing in the Government Neutrality in Contracting Act  
20 shall:

21 (1) Prohibit employers or other parties from entering into  
22 agreements or engaging in any other activity protected under federal law,  
23 including the National Labor Relations Act, 29 U.S.C. 151 et seq., as  
24 amended; or

25 (2) Interfere with labor relations of parties that are protected  
26 under federal law, including the National Labor Relations Act, 29 U.S.C.  
27 151 et seq., as amended.