

## ENGROSSED LEGISLATIVE BILL 529

Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to the State Procurement Act; to amend section 73-803, Revised Statutes Cumulative Supplement, 2024; to redefine a term; to provide for applicability; to repeal the original section; and to declare an emergency.

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

**Section 1.** Section 73-803, Revised Statutes Cumulative Supplement, 2024, is amended to read:

73-803 For purposes of the State Procurement Act:

(1) Contract includes any contract for services and contract for personal property;

(2) Contract for personal property means any contract entered into by the state with another party for a stated consideration, which provides that the state agency is to receive the personal property or use of such personal property furnished by the other party. Contract for personal property includes leases;

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

(4) Cooperative agreement means a legal instrument reflecting a relationship between the State of Nebraska and any other entity where (a) the principal purpose of the relationship is to transfer a thing of value to the entity to carry out a public purpose of support or stimulation by law instead of acquiring property or services for the direct benefit of the State of Nebraska and (b) substantial involvement is expected between the State of Nebraska and the entity when carrying out the activity contemplated in the agreement;

(5) Division means the materiel division of the Department of Administrative Services;

(6) Emergency means necessary to meet an urgent or unexpected requirement or when health and public safety or the conservation of public resources is at risk;

(7) Grant agreement means a legal instrument reflecting a relationship between the State of Nebraska and any other entity where (a) the principal purpose of the relationship is to transfer a thing of value to the entity to carry out a public purpose of support or stimulation by law instead of acquiring property or services for the direct benefit of the State of Nebraska and (b) substantial involvement is not expected between the State of Nebraska and the entity when carrying out the activity contemplated in the agreement;

(8) Occasional means seasonal, irregular, or fluctuating in nature;

(9) Personal property includes all materials, supplies, furniture, equipment, printing, stationery, automotive and road equipment, and other chattels, goods, wares, and merchandise;

(10) Sole source means of such a unique nature that the contractor selected is clearly and justifiably the only practicable source to provide the service or personal property. Determination that the contractor selected is justifiably the sole source is based on either the uniqueness of the service or personal property or sole availability at the location required;

(11) State agency means any agency, board, or commission of this state, except for the University of Nebraska or the Nebraska state colleges. For purposes of procurement of services, state agency does not include the University of Nebraska, the Nebraska state colleges, the Nebraska Investment Council, the courts, the Legislature, or any officer or state agency established by the Constitution of Nebraska. Changes made to this subdivision by this legislative bill shall be construed to apply to any action taken on or after July 19, 2024; and

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

**Sec. 2.** Original section 73-803, Revised Statutes Cumulative Supplement, 2024, is repealed.

**Sec. 3.** Since an emergency exists, this act takes effect when passed and approved according to law.

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**PRESIDENT OF THE LEGISLATURE**

*THIS IS TO CERTIFY that the within LB 529 was passed by the One Hundred Ninth  
Legislature of Nebraska at its First Session on the ..... day  
of ..... 20.....*

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**CLERK OF THE LEGISLATURE**

**Approved:**

..... 20....., ..... o'clock .....M.

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**GOVERNOR**