

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 529

FINAL READING

Introduced by Jacobson, 42.

Read first time January 22, 2025

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the State Procurement Act; to amend section
- 2 73-803, Revised Statutes Cumulative Supplement, 2024; to redefine a
- 3 term; to provide for applicability; to repeal the original section;
- 4 and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 73-803, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 73-803 For purposes of the State Procurement Act:

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

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

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

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

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

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

28 (7) Grant agreement means a legal instrument reflecting a
29 relationship between the State of Nebraska and any other entity where (a)
30 the principal purpose of the relationship is to transfer a thing of value
31 to the entity to carry out a public purpose of support or stimulation by

1 law instead of acquiring property or services for the direct benefit of
2 the State of Nebraska and (b) substantial involvement is not expected
3 between the State of Nebraska and the entity when carrying out the
4 activity contemplated in the agreement;

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

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

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

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

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

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

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