

E AND R AMENDMENTS TO LB 224

Introduced by Murante, 49, 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 73-101.01, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           73-101.01 (1) When a public contract is to be awarded to  
6 the lowest responsible bidder, a resident bidder shall be allowed  
7 a preference over a nonresident bidder from a state which gives or  
8 requires a preference to bidders from that state. The preference  
9 shall be equal to the preference given or required by the state of  
10 the nonresident bidder.

11           ~~Resident bidder as used in~~ (2) When a public contract is  
12 to be awarded to the lowest responsible bidder, a resident disabled  
13 veteran shall be allowed a preference over any other resident or  
14 nonresident bidder if all other factors are equal.

15           (3) For purposes of sections 73-101.01 and 73-101.02:

16           (a) Resident bidder means ~~shall mean~~ any person,  
17 partnership, foreign or domestic limited liability company,  
18 association, or foreign or domestic corporation authorized to  
19 engage in business in the State of Nebraska and which has met  
20 the residency requirement of the state of the nonresident bidder  
21 necessary for receiving the benefit of that state's preference  
22 law on the date when any bid for a public contract is first  
23 advertised or announced or has had a bona fide establishment for

1 doing business within this state for the length of time established  
2 by the state of the nonresident bidder necessary for receiving the  
3 benefit of that state's preference law on the date when any bid for  
4 a public contract is first advertised or announced; and-

5 (b) Resident disabled veteran means an individual (i)  
6 who resides in the State of Nebraska, who served in the United  
7 States Armed Forces, including any reserve component or the  
8 National Guard, who was discharged or otherwise separated with  
9 a characterization of honorable or general (under honorable  
10 conditions), and who possesses a disability rating letter issued  
11 by the United States Department of Veterans Affairs establishing a  
12 service-connected disability or a disability determination from the  
13 United States Department of Defense and (ii) who owns and controls  
14 a business (A) not less than fifty-one percent of which is owned  
15 by one or more individuals described in subdivision (i) of this  
16 subdivision or, in the case of a publicly owned business, not less  
17 than fifty-one percent of the stock of which is owned by one or  
18 more individuals described in subdivision (i) of this subdivision  
19 and (B) the management and daily business operations of which are  
20 controlled by one or more individuals described in subdivision (i)  
21 of this subdivision.

22 (4) Any contract entered into without compliance with  
23 sections 73-101.01 and 73-101.02 shall be null and void.

24 Sec. 2. Original section 73-101.01, Reissue Revised  
25 Statutes of Nebraska, is repealed.