

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 652**

Introduced by Wayne, 13.

Read first time January 20, 2021

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to economic development; to adopt the Nebraska
- 2 Historically Underutilized Business Program Act; and to provide an
- 3 operative date.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 11 of this act shall be known and may be  
2 cited as the Nebraska Historically Underutilized Business Program Act.

3           Sec. 2. (1) The Legislature finds:

4           (a) That the promotion of HUBs is a matter of state concern,  
5 particularly in communities which contain a large number of HUBs;

6           (b) That it is necessary and expedient to require the inclusion of  
7 certain provisions in contracts with constitutional offices and state  
8 agencies to promote and encourage the creation of business opportunities  
9 for HUBs of this state, and businesses in economic redevelopment areas,  
10 to promote equality of access to public contracts;

11           (c) That it is in the best interest of the people of Nebraska to  
12 promote the interests of HUBs because it is vital that all Nebraskans  
13 have an opportunity to contribute economically by participating in  
14 business opportunities existing in government;

15           (d) That a coordinated effort is necessary to eliminate any barriers  
16 impeding equal opportunity for HUBs doing business with a constitutional  
17 office or state agency;

18           (e) That the utilization of HUBs is critical to creating a vibrant,  
19 sustainable, and diverse business community in Nebraska; and

20           (f) That it is the policy of this state to encourage the use of HUBs  
21 by constitutional offices and state agencies and to assist such offices  
22 and agencies in the implementation of this policy through means that are  
23 neutral as to race, ethnicity, and gender.

24           (2) The purpose of the Nebraska Historically Underutilized Business  
25 Program Act is to promote full and equal business opportunities for all  
26 businesses in an effort to remedy disparities in state and local  
27 procurement and contracting.

28           (3) The Nebraska Historically Underutilized Business Program Act  
29 describes the minimum steps and requirements to be undertaken by a  
30 government entity to fulfill the state's HUB policy and attain  
31 aspirational goals.

1           Sec. 3. For purposes of the Nebraska Historically Underutilized  
2 Business Program Act:

3           (1) Applicant means a person or business that applies to the  
4 Commissioner of Labor for certification as a HUB;

5           (2) Application means the Department of Labor's form for applicants  
6 to request certification as a HUB;

7           (3) Bidder means any person or business seeking to be awarded a  
8 government entity contract;

9           (4) Commodities means any tangible good provided by a contractor to  
10 the state;

11           (5) Contract means any contract awarded by a government entity  
12 whereby the government entity is committed to expend or does expend  
13 public funds, including, but not limited to, any public funds received  
14 from other government entities, tax incentive programs, or tax-increment  
15 financing expenditures, including public funds used for construction,  
16 work, labor services, financial services, technical services,  
17 professional services, supplies, equipment, materials, or any combination  
18 of the foregoing;

19           (6) Contractor means a person or business that contracts with a  
20 government entity to provide commodities or services, including  
21 professional services;

22           (7) Economic redevelopment area means an area in the State of  
23 Nebraska in which: (a) The average rate of unemployment in the area  
24 during the period covered by the most recent federal decennial census or  
25 American Community Survey 5-Year Estimate by the United States Bureau of  
26 the Census is at least one hundred fifty percent of the average rate of  
27 unemployment in the state during the same period; and (b) the average  
28 poverty rate in the area is twenty percent or more for the total federal  
29 census tract or tracts or federal census block group or block groups in  
30 the area;

31           (8) Government entity means any of the following:

1       (a) Constitutional office; or

2       (b) State agency;

3       (9)(a) Historically underutilized business or HUB means:

4       (i) A participant in the United States Department of  
5 Transportation's disadvantaged business enterprise program and that  
6 adheres to the requirements and guidance contained in 49 C.F.R. part 26,  
7 Participation By Disadvantaged Business Enterprises In Department of  
8 Transportation Financial Assistance Programs, as such part existed on  
9 January 1, 2021; or

10       (ii) Any person or business with its principal place of business  
11 located within an economic redevelopment area and is:

12       (A) A contractor, including a building constructor or heavy and  
13 civil engineering constructor as described in subsectors 236 and 237,  
14 respectively, of the NAICS whose average annual gross receipts from the  
15 past three years do not exceed the size standard of XX million dollars or  
16 the size standard in number of employees, twenty-five percent of the  
17 NAICS for those subsectors of the NAICS as published in the current  
18 United States Small Business Administration Table of Small Business Size  
19 Standards matched to the North American Industry Classification System  
20 subsectors;

21       (B) A specialty trade contractor as described in subsector 238 of  
22 the NAICS whose average annual gross receipts from the past three years  
23 do not exceed the size standard of XX million dollars or the size  
24 standard in number of employees, twenty-five percent of the NAICS for  
25 those subsectors of the NAICS as published in the current United States  
26 Small Business Administration Table of Small Business Size Standards  
27 matched to the North American Industry Classification System subsectors;  
28 or

29       (C) An entity whose average annual gross receipts from the past  
30 three years do not exceed the size standard of XX million dollars or the  
31 size standard in number of employees, twenty-five percent of the NAICS as

1 published in the current United States Small Business Administration  
2 Table of Small Business Standards matched to the North American Industry  
3 Classification System subsectors; and that is not an affiliate or  
4 subsidiary of a business in its field of operation; and

5 (b) HUB cannot be:

6 (i) A manufacturer's representative; a franchise, unless operating  
7 as an independent entrepreneur utilizing a franchise name only; a  
8 business for which the owner is an owner or part owner of another similar  
9 business; or a non-stocking retailer or wholesaler; or

10 (ii) An entity whose owners:

11 (A) Have a net worth more than the sum of one million five hundred  
12 thousand dollars after excluding the equity of the individual or  
13 individuals in the business seeking certification and such individual's  
14 equity in their primary residences; or

15 (B) Hold more than ten percent ownership in any other single  
16 business, unless the other business is certified as a HUB;

17 (10) HUB subcontracting plan means a written document that outlines  
18 the use of subcontractors, which is required to be submitted with a  
19 response to a government entity solicitation for which subcontracting  
20 opportunities have been determined by the government entity to be  
21 probable. The HUB subcontracting plan subsequently becomes a provision of  
22 the awarded contract and shall be monitored for compliance by the  
23 government entity during the term of the contract;

24 (11) North American Industry Classification System or NAICS means  
25 the standard established by the United States Office of Management and  
26 Budget and used by federal statistical agencies in classifying business  
27 establishments for the purpose of collecting, analyzing, and publishing  
28 statistical data related to the United States business economy;

29 (12) Owner means any person or business holding any percentage  
30 ownership in a business;

31 (13) Prime contractor is a person or business that is awarded a

1 government entity contract;

2 (14) Principal place of business means the location where the owner  
3 or owners of the business direct, control, and coordinate the business's  
4 daily operations and activities;

5 (15) Professional services means services of licensed or registered  
6 professions;

7 (16) Reside, when used in reference to a requirement that a person  
8 reside within this state, means that a person:

9 (a) Physically resides in this state for a period of not less than  
10 twelve consecutive months prior to submitting an application for HUB  
11 certification and lists Nebraska as such person's residency in such  
12 person's most recent federal tax return; or

13 (b) Has established, to the satisfaction of the Department of  
14 Revenue, a Nebraska domicile for a period of time sufficient to  
15 demonstrate an intention to permanently reside in this state consistently  
16 over a substantial period of time;

17 (17) Respondent means a person or business that submits a response;

18 (18) Response means a submission made in answer to an invitation for  
19 bids, requests for proposals, or other purchase solicitation documents,  
20 which may take the form of a bid, proposal, offer, or other applicable  
21 expression of interest;

22 (19) Subcontractor means a person or business who contracts with a  
23 prime contractor to work or contribute toward completing work for a  
24 government entity;

25 (20) Tier I HUB means any HUB that:

26 (a) Has its principal place of business located within an economic  
27 redevelopment area; and

28 (b) Has twenty percent or more of its employees residing within an  
29 economic redevelopment area;

30 (21) Tier II HUB means any HUB that:

31 (a) Has its principal place of business located within an economic

1 redevelopment area; or

2 (b) Has twenty percent or more of its employees residing within an  
3 economic redevelopment area; and

4 (22) Tier III HUB means any HUB that is not a Tier I HUB or Tier II  
5 HUB.

6 Sec. 4. (1) A business desiring to be certified as a HUB must  
7 complete a form prescribed by the Department of Labor or participate in  
8 the Department of Transportation's Nebraska Unified Certification  
9 Program.

10 (2) The Department of Labor may request any additional information  
11 determined necessary to evaluate a business's qualifications for  
12 certification prior to a decision to certify an applicant as a HUB.

13 (3) Once a business has been certified as a HUB, the certification  
14 shall remain in place for five years, as long as the certification status  
15 of the business does not change. The business must complete an annual  
16 affidavit of certification that states its current certification status,  
17 regardless of whether variables have changed. A business may apply to be  
18 recertified as a HUB if the business maintains its qualifications for  
19 certification, subject to the limits set forth in this section. A HUB  
20 shall only be permitted to recertify four times for a maximum of twenty  
21 years. No business that was initially certified as a HUB shall  
22 participate in the HUB program for a period greater than twenty-five  
23 years.

24 (4) When a business no longer meets the criteria of the HUB program,  
25 the business shall be decertified and shall no longer participate in the  
26 program. However, if a business is certified to participate in the  
27 program at the time it enters into any contract, the business shall  
28 remain certified for that contract only until the expiration of the  
29 contract. Nothing in this subsection shall prohibit the Department of  
30 Labor or the Department of Transportation from decertifying any business  
31 that violates any rule, policy, or procedure of the HUB program.

1        Sec. 5. (1) Each government entity shall make a good faith effort  
2 to utilize HUBs in contracts for construction, services, including  
3 professional and consulting services, and commodities purchases. Each  
4 government entity may achieve the statewide or office, agency, or  
5 political subdivision-specific annual HUB goals specified in the  
6 constitutional office's or state agency's appropriations request or the  
7 political subdivision's budget by contracting directly with HUBs or  
8 indirectly through subcontracting opportunities.

9        (2) The statewide HUB reporting categories are:

10        (a) Heavy construction other than building contracts;

11        (b) All building construction, including general contractors and  
12 operative builders contracts;

13        (c) All special trade construction contracts;

14        (d) Professional services contracts;

15        (e) All other services contracts; and

16        (f) Commodities contracts.

17        (3) Priorities shall be set forth as follows: If there is an  
18 adequate number of qualified and certified HUB bidders or applicants,  
19 first priority shall be given to Tier I HUBs; if not, then the next  
20 priority will be given to Tier II HUBs; and then Tier III HUBs.

21        (4) Government entities must establish their own specific HUB goals  
22 for each procurement category outlined in subsections (2) and (3) of this  
23 section. Such goals should be based on:

24        (a) A government entity's fiscal year expenditures and total  
25 contract expenditures;

26        (b) The availability to a government entity of HUBs in each  
27 procurement category;

28        (c) The government entity's historic utilization of HUBs;

29        (d) The government entity's identification of potential  
30 subcontracting opportunities in all contracts and the requirement of a  
31 HUB subcontracting plan for contracts of two hundred thousand dollars or



1 more over the life of the contract, including any renewals, where such  
2 opportunities exist;

3 (e) The identification of HUB subcontracting or HUB prime  
4 contracting in contracts that are less than two hundred thousand dollars,  
5 whenever possible; and

6 (f) Other relevant factors.

7 (5) Each government entity that considers entering into a contract  
8 with an expected value of two hundred thousand dollars or more over the  
9 life of the contract, including any renewals, shall, before the  
10 government entity solicits bids, proposals, offers, or other applicable  
11 expressions of interest, determine whether subcontracting opportunities  
12 are probable under the contract pursuant to subsection (6) of this  
13 section. Factors in determining a government entity's good faith effort  
14 and if subcontracting opportunities are probable shall include:

15 (i) Preparation and distribution of information on procurement  
16 procedures in a manner that encourages participation in contracts by all  
17 businesses;

18 (ii) Examining the scope of work to be performed under the proposed  
19 contract and determining if it is likely that some of the work may be  
20 performed by a subcontractor;

21 (iii) Researching the HUB directory compiled under section 7 of this  
22 act, Internet resources, or other directories as identified by the  
23 Commissioner of Labor, for HUBs, that may be available to perform the  
24 contract work;

25 (iv) Where feasible, assessment of bond and insurance requirements  
26 and design requirements that reasonably permit more than one business to  
27 perform the work;

28 (v) Division of proposed requisitions into reasonable lots in  
29 keeping with industry standards and competitive bid requirements;

30 (vi) Determining if subcontracting is probable for only a subset of  
31 the work expected to be performed or the funds to be expended under the

1 contract;

2 (vii) Reviewing the history of similar government entity purchasing  
3 transactions;

4 (viii) Specification of reasonable, realistic delivery schedules  
5 consistent with a government entity's actual requirements; and

6 (ix) Ensuring that specifications, terms, and conditions reflect a  
7 government entity's actual requirements, are clearly stated, and do not  
8 impose unreasonable or unnecessary contract requirements.

9 (6)(a) If the government entity determines, as set forth in  
10 subsection (5) of this section, that subcontracting opportunities are  
11 probable, the government entity shall require that each response include  
12 a HUB subcontracting plan in order to be considered responsive.

13 (b) The HUB subcontracting plan shall be submitted with the  
14 respondent's response on or before the due date for responses, except for  
15 construction contracts involving alternative delivery methods. For  
16 construction contracts involving alternative delivery methods, the HUB  
17 subcontracting plan may be submitted up to twenty-four hours following  
18 the date and time that responses are due.

19 (c) Responses that do not include a completed HUB subcontracting  
20 plan in accordance with this subsection shall be rejected.

21 (d) If a properly submitted HUB subcontracting plan contains minor  
22 deficiencies such as a failure to sign or date the plan or a failure to  
23 submit already-existing evidence that three HUBs were contacted, the  
24 government entity may contact the respondent for clarification to the  
25 plan, if it contains sufficient evidence that the respondent developed  
26 and submitted the plan in good faith. The respondent shall have twenty-  
27 four hours to clarify the plan or cure a defect in the plan.

28 (e) If the government entity determines that a submitted HUB  
29 subcontracting plan was not developed in good faith, the government  
30 entity shall treat that as a material failure to comply with advertised  
31 specifications, and the subject response shall be rejected. The reasons

1 for rejection shall be recorded in the procurement file.

2 (f) The HUB subcontracting plan shall include the following:

3 (i) Certification that respondent has made a good faith effort to  
4 meet the requirements of this section. When determining whether a good  
5 faith effort has been made in the development of the required HUB  
6 subcontracting plan, a government entity shall require the respondent to  
7 submit supporting documentation explaining how the respondent has made a  
8 good faith effort according to the following criteria:

9 (A) How the respondent provided written justification of the  
10 selection process if the selected subcontractor was not a HUB;

11 (B) How the respondent provided documentation of meeting one or more  
12 of the following requirements:

13 (I) Notifying at least three HUBs of the subcontracting  
14 opportunities that the respondent intended to subcontract. The respondent  
15 shall provide such notice to three or more HUBs per each subcontracting  
16 opportunity that provides the type of work required for each  
17 subcontracting opportunity identified in the contract specifications or  
18 any other subcontracting opportunity the respondent cannot complete with  
19 its own equipment, supplies, materials, and employees. The notification  
20 shall be in writing, and the respondent must document the HUBs contacted  
21 on the forms prescribed by the Commissioner of Labor. The notice shall,  
22 in all instances, include the scope of the work, adequate information  
23 about bonding, insurance, the availability of plans, the specifications,  
24 required qualifications, identity of a contact person, and other  
25 requirements of the contract allowing reasonable time for HUBs to  
26 participate effectively. The notice shall be provided to potential HUB  
27 subcontractors at least seven working days prior to submission of the  
28 respondent's response, unless circumstances require a different time  
29 period, which is determined by the government entity and documented in  
30 the contract file;

31 (II) Submitting documentation that one hundred percent of all

1 available subcontracting opportunities will be performed by one or more  
2 HUBs; or

3 (III) Submitting documentation that one or more HUB subcontractors  
4 will be utilized;

5 (C) How the HUB subcontracting plan identified the areas of  
6 subcontracting to be performed by the HUB;

7 (D) How the identification of subcontractors will be used during the  
8 course of the contract;

9 (E) The expected percentage of work to be subcontracted; and

10 (F) The approximate dollar value of that percentage of work.

11 (g) A government entity shall require a respondent to state whether  
12 it is a certified HUB.

13 (h) The successful respondent shall provide all additional  
14 documentation required by the government entity to demonstrate compliance  
15 with good faith effort requirements prior to contract award. If the  
16 successful respondent fails to provide supporting documentation such as  
17 telephone logs, fax transmittals, or electronic mail within the timeframe  
18 specified by the government entity to demonstrate compliance with this  
19 subsection prior to contract award, that respondent's response shall be  
20 rejected.

21 (i) If the respondent is able to fulfill all of the potential  
22 subcontracting opportunities identified with its own equipment, supplies,  
23 materials, and employees, the respondent must sign an affidavit and  
24 provide a statement explaining how the respondent intends to fulfill each  
25 subcontracting opportunity. The respondent must agree to provide the  
26 following, if requested by the government entity:

27 (i) Evidence of existing staffing to meet contract objectives; and

28 (ii) Monthly certified payroll records showing company staff fully  
29 engaged in the contract.

30 (j)(i) Prime contractors shall maintain business records documenting  
31 compliance with the HUB subcontracting plan and shall submit a compliance

1 report in a format required by the Commissioner of Labor to the  
2 contracting government entity as a condition for payment.

3 (ii) During the term of the contract, the government entity shall  
4 monitor the HUB subcontracting plan to determine if the value of the  
5 subcontracts to HUBs meets or exceeds the HUB subcontracting provisions  
6 specified in the contract. Accordingly, each government entity may audit  
7 and require a prime contractor to report to the government entity the  
8 identity and the amount paid to its subcontractors.

9 (iii) If the selected respondent decides to subcontract any part of  
10 the contract in a manner that is not consistent with its HUB  
11 subcontracting plan, the selected respondent must submit a revised HUB  
12 subcontracting plan before subcontracting any of the work under the  
13 contract. If the selected respondent subcontracts any of the work without  
14 prior authorization, the selected respondent is deemed to have breached  
15 the contract and is subject to any remedial actions provided by  
16 applicable state law and the Nebraska Historically Underutilized Business  
17 Program Act. A government entity shall report such breaches to the  
18 Department of Labor.

19 (k) If, at any time during the term of the contract, the selected  
20 respondent desires to make changes to the approved HUB subcontracting  
21 plan, proposed changes must be received for prior review and approval by  
22 the government entity before changes will be effective under the  
23 contract. The government entity shall approve changes by amending the  
24 contract or by another form of written approval by the government entity.  
25 The reasons for amendments or other written approval shall be recorded in  
26 the procurement file.

27 (l) If, after the bid opening and during contract performance, the  
28 successful contractor determines that a HUB identified in the bid is  
29 unable to perform successfully or is not performing satisfactorily, such  
30 contractor shall make every reasonable effort to replace a HUB  
31 subcontractor with another HUB. Prior to substituting such replacement

1 HUB, the apparent successful contractor must show good cause for the  
2 replacement. All substitutions shall be approved in writing.

3 (m) If a government entity expands the original scope of work  
4 through a change order or contract amendment, including a contract  
5 renewal that expands the scope of work, the government entity shall  
6 determine if the additional scope of work contains additional probable  
7 subcontracting opportunities not identified in the initial solicitation.  
8 If the government entity determines probable subcontracting opportunities  
9 exist, the government entity shall require the selected respondent to  
10 submit a HUB subcontracting plan or revised HUB subcontracting plan for  
11 the additional probable subcontracting opportunities.

12 (n) If a determination is made that the prime contractor failed to  
13 implement the HUB subcontracting plan in good faith, the government  
14 entity, in addition to any other remedies, may bar the contractor from  
15 further contracting opportunities with the government entity. In  
16 addition, if the prime contractor failed to implement the HUB  
17 subcontracting plan in good faith, the government entity may revoke the  
18 contract for breach of contract and make a claim against the prime  
19 contractor.

20 (o) All HUBs will be paid no later than twenty-one days after the  
21 submission of their invoice and all prime contractors utilizing a HUB  
22 subcontracting plan will be paid no later than thirty days after the  
23 submission of their invoice.

24 Sec. 6. (1) Refusal or noncompliance by a contractor or  
25 subcontractor to comply with any portion of the Nebraska Historically  
26 Underutilized Business Program Act may subject the offending party to any  
27 or all of the following penalties:

28 (a) Withholding payments that are due to the contractor who is in  
29 violation under the involved contract until it is determined that the  
30 contractor or subcontractor is in compliance with the provisions of the  
31 contract; or

1       (b) Exclusion from bidding on any contracts with the government  
2 entity until such time as the contractor or subcontractor demonstrates  
3 that it has established and will carry out the policies of the program.

4       (2) In the event the sanctions or penalties contained in subsection  
5 (1) of this section are invoked, the government entity shall notify the  
6 contractor or subcontractor of the facts or circumstances which formed  
7 the basis for the allegation that the contractor or subcontractor has not  
8 complied with the act. Such notice shall be in writing and received at  
9 least ten days prior to any action being taken by the government entity,  
10 during which time the contractor or subcontractor may clarify or make  
11 corrections.

12       (3) A protest under this section shall be in accordance with the  
13 Administrative Procedure Act or, if the government entity is a political  
14 subdivision, the protest shall be in the same manner as under the  
15 Administrative Procedure Act. An appeal shall only be made after all  
16 administrative remedies have been exhausted.

17       Sec. 7. (1) The Department of Labor shall compile, in the most  
18 cost-efficient form, a directory of businesses certified as HUBs, and  
19 shall post the directory on the department's web site.

20       (2) The Department of Labor shall update the directory and provide  
21 access to the HUB directory electronically or in another acceptable form.

22       (3) The Department of Labor shall provide a copy of the directory to  
23 every government entity in January and July of each year.

24       Sec. 8. (1) Each government entity shall make publicly available  
25 the information set forth in this section and any other information  
26 required by the Department of Labor not later than November 15 of each  
27 year. The information must include:

28       (a) The number and dollar amount of contracts awarded and paid to  
29 certified HUBs;

30       (b) An analysis of the relative level of opportunity for HUBs for  
31 various categories of acquired goods and services;

1       (c) The goals established under the Nebraska Historically  
2 Underutilized Business Program Act for contracting with HUBs during the  
3 two calendar years preceding the calendar year in which the information  
4 is submitted;

5       (d) A statement regarding whether the goals established were met  
6 during the two calendar years preceding the calendar year in which the  
7 information is submitted; and

8       (e) If the goals established were not met during the two calendar  
9 years preceding the calendar year in which the information is submitted,  
10 an explanation of why the goals were not met.

11       (2) Each constitutional office or state agency must include as part  
12 of its appropriations request a detailed report for consideration by the  
13 Appropriations Committee of the Legislature that shows the extent to  
14 which the office or agency complied with the Nebraska Historically  
15 Underutilized Business Program Act during the two calendar years  
16 preceding the calendar year in which the request is submitted. To the  
17 extent the constitutional office or state agency does not comply, the  
18 report must demonstrate the reasons for noncompliance. The extent to  
19 which a constitutional office or state agency complies with the Nebraska  
20 Historically Underutilized Business Program Act and rules and regulations  
21 of the Director of Administrative Services adopted and promulgated to  
22 assist in carrying out the act is considered a key performance measure  
23 for purposes of the appropriations process.

24       Sec. 9. (1) The Nebraska Historically Underutilized Business  
25 Program Act applies to all contracts entered into by a government entity  
26 with an expected value of two hundred thousand dollars or more,  
27 including:

28       (a) Contracts for the acquisition of a good or service; and

29       (b) Contracts for or related to the construction of a public  
30 building, road, or other public work.

31       (2) The Nebraska Historically Underutilized Business Program Act



1 applies to a contract without regard to:

2 (a) Whether the contract is otherwise subject to the act; or

3 (b) The source of funds for the contract, except that to the extent  
4 federal funds are used to pay for the contract, the act does not apply if  
5 federal law prohibits the application of the act in relation to the  
6 expenditure of federal funds.

7 Sec. 10. The Nebraska Historically Underutilized Business Program  
8 Act shall not apply to any emergency contract resulting from a natural  
9 disaster, tornado, blizzard, flood, energy shortage, or similar  
10 occurrence, so long as a mayor or other head of a political subdivision  
11 or the Governor declares such an occurrence to be an emergency.

12 Sec. 11. The Commissioner of Labor may adopt and promulgate rules  
13 and regulations to administer the Nebraska Historically Underutilized  
14 Business Program Act.

15 Sec. 12. This act becomes operative on July 1, 2022.