

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 792**

Introduced by Mello, 5.

Read first time January 05, 2012

Committee:

A BILL

1 FOR AN ACT relating to contracts for personal services; to amend  
2 sections 73-301 and 73-303, Reissue Revised Statutes of  
3 Nebraska; to clarify review and approval duties of the  
4 Director of Administrative Services as prescribed; to  
5 harmonize provisions; and to repeal the original  
6 sections.

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

1           Section 1. Section 73-301, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           73-301 (1) The Director of Administrative Services shall  
4 review and approve or disapprove any contract for personal services  
5 between a private entity and any state agency, other than ~~(1)-(a)~~ the  
6 University of Nebraska, ~~(2)-(b)~~ the Nebraska state colleges, and ~~(3)~~  
7 (c) any other board, commission, or agency established by the  
8 Constitution of Nebraska, if, on the effective date of the contract,  
9 the personal services are performed by permanent state employees of  
10 the agency and will be replaced by services performed by the private  
11 entity. The contract shall be subject to the public bidding  
12 procedures established in sections 81-145 to 81-162 except in  
13 emergencies approved by the Governor.

14           (2) For purposes of this section, contract for personal  
15 services means an agreement by a contractor to provide human labor  
16 but does not mean a contract to supply only goods or personal  
17 property. The term includes contracts with private service providers,  
18 consultants, and independent service contractors.

19           (3) This section applies to any such contract for  
20 personal services, regardless of whether any state employee is  
21 displaced by such contract.

22           Sec. 2. Section 73-303, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           73-303 A state agency that seeks to enter into a contract  
25 described in section 73-301 shall also submit to the Director of

1 Administrative Services a formal plan of assistance to ~~the~~any state  
2 ~~employees~~employee of such state agency who will be displaced by such  
3 contract. The plan shall include, but need not be limited to, the  
4 following provisions:

5 (1) Efforts by the state agency to place any displaced  
6 ~~employees~~employee in a vacant ~~positions~~position in that agency or  
7 another state agency;

8 (2) Provisions in the contract for personal services, if  
9 feasible, for the hiring of any displaced ~~employees~~employee by the  
10 contractor; and

11 (3) Demonstration by the state agency that it has taken  
12 formal and positive steps in considering alternatives to such  
13 contract, including reorganization, reevaluation of service, and  
14 reevaluation of performance.

15 Sec. 3. Original sections 73-301 and 73-303, Reissue  
16 Revised Statutes of Nebraska, are repealed.