

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 925**

Introduced by Conrad, 46.

Read first time January 13, 2010

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to require employment of Nebraska  
2 laborers for public works projects during periods of  
3 excessive unemployment; to define terms; to provide  
4 powers and duties; and to authorize injunctive relief.

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

1           Section 1. For purposes of sections 1 to 6 of this act:

2           (1) Nebraska laborer means any person who has resided in  
3 Nebraska for at least thirty days and intends to become or remain  
4 a Nebraska resident;

5           (2) Period of excessive unemployment means any month  
6 immediately following two consecutive calendar months during which  
7 the level of unemployment in the state has exceeded five percent  
8 as measured by the United States Bureau of Labor Statistics in its  
9 monthly publication of employment and unemployment figures; and

10          (3) Public works means all fixed works, such as schools,  
11 highways, and bridges, constructed for public use or benefit or  
12 paid for wholly or in part out of public funds. Public works  
13 also includes any work done directly by any public utility company  
14 when performed by it pursuant to the order of the Public Service  
15 Commission or other public authority whether or not it is done  
16 under public supervision or direction or paid for wholly or in part  
17 out of public funds when let to contract by such utility. Public  
18 works does not include any work done for or by drainage districts.

19          Sec. 2. Whenever there is a period of excessive  
20 unemployment in this state, every person who is charged with the  
21 duty, either by law or contract, of constructing or building any  
22 public works project or improvement for the state or any political  
23 subdivision thereof shall employ only Nebraska laborers on such  
24 project or improvement, and every contract let by any such person  
25 shall contain a provision requiring that such laborers be used,

1 except that other laborers may be used when Nebraska laborers are  
2 not available or are incapable of performing the particular type  
3 of work involved, if so certified by the contractor and approved  
4 by the contracting officer.

5           Sec. 3. Sections 1 to 6 of this act do not apply to  
6 regularly employed nonresident executive, supervisory, or technical  
7 personnel.

8           Sec. 4. Sections 1 to 6 of this act apply to all labor on  
9 public works projects or improvements whether skilled, semiskilled,  
10 or unskilled and whether manual or nonmanual except work done  
11 directly by any public utility company and not let to contract.

12           Sec. 5. In all contracts involving the expenditure of  
13 federal aid funds, sections 1 to 6 of this act shall not be  
14 enforced in such manner as to conflict with any federal statutes or  
15 rules or regulations.

16           Sec. 6. The Department of Labor shall enforce sections 1  
17 to 6 of this act. The department, as represented by the Attorney  
18 General, or an aggrieved party may sue for injunctive relief  
19 against the awarding of any contract or the continuation of  
20 any public work under any contract for public works projects or  
21 improvements at a time when the requirements of sections 1 to 6 of  
22 this act are not being met.