

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 925

Introduced by Aguilar, 35; Kauth, 31; Lippincott, 34.

Read first time January 04, 2024

Committee:

- 1 A BILL FOR AN ACT relating to government contracting; to adopt the
- 2 Firearm Industry Nondiscrimination Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 5 of this act shall be known and may be
2 cited as the Firearm Industry Nondiscrimination Act.

3 Sec. 2. For purposes of the Firearm Industry Nondiscrimination Act:

4 (1) Ammunition means a loaded cartridge or shot shell, case, primer,
5 projectile, wadding, or propellant powder;

6 (2)(a) Company means a for-profit organization, association,
7 corporation, partnership, joint venture, limited partnership, limited
8 liability partnership, or limited liability company, including a wholly
9 owned subsidiary, a majority-owned subsidiary, a parent company, or an
10 affiliate of such an entity that exists to make a profit.

11 (b) The term does not include a sole proprietorship;

12 (3)(a) Contract means a promise or set of promises constituting an
13 agreement between the parties that gives each a legal duty to the other
14 and the right to seek a remedy for the breach of those duties.

15 (b) The term does not include an agreement related to investment
16 services;

17 (4)(a) Discriminate against a firearm entity or firearm trade
18 association means, with respect to the entity or association, to:

19 (i) Refuse to engage in the trade of any goods or services with the
20 entity or association based on its status as a firearm entity or firearm
21 trade association, which includes the lawful products and services
22 provided by, and the lawful practices of, firearm entities and firearm
23 trade associations;

24 (ii) Refrain from continuing an existing business relationship with
25 the entity or association based on its status as a firearm entity or
26 firearm trade association, which includes the lawful products and
27 services provided by, and the lawful practices of, firearm entities and
28 firearm trade associations; or

29 (iii) Terminate an existing business relationship with the entity or
30 association based on its status as a firearm entity or firearm trade
31 association, which includes the lawful products and services provided by,

1 and the lawful practices of, firearm entities and firearm trade
2 associations.

3 (b) The term does not include the policies of a vendor, merchant,
4 retail seller, or platform that restrict or prohibit the listing or
5 selling of ammunition, firearms, or firearm accessories.

6 (c) The term also does not include a company's refusal to engage in
7 the trade of any goods or services, decision to refrain from continuing
8 an existing business relationship, or decision to terminate an existing
9 business relationship to comply with federal, state, or local laws,
10 policies, or regulations or a directive by a regulatory agency, or for
11 any traditional business reason that is specific to the customer or
12 potential customer and not based solely on the status of an entity or
13 association as a firearm entity or firearm trade association, which
14 includes the lawful products and services provided by, and the lawful
15 practices of, firearm entities and firearm trade associations;

16 (5) Firearm means a weapon that expels a projectile by the action of
17 explosive or expanding gases;

18 (6)(a) Firearm accessory means a device specifically designed or
19 adapted to enable an individual to wear, carry, store, or mount a firearm
20 on the individual or on a conveyance and an item used in conjunction with
21 or mounted on a firearm that is not essential to the basic function of
22 the firearm.

23 (b) The term includes a detachable firearm magazine;

24 (7) Firearm entity means:

25 (a) A firearm, firearm accessory, or ammunition manufacturer,
26 distributor, wholesaler, supplier, or retailer; or

27 (b) A gun range;

28 (8) Firearm trade association means any person, corporation,
29 unincorporated association, federation, business league, or business
30 organization that:

31 (a) Is not organized or operated for profit and for which none of

1 its net earnings inures to the benefit of any private shareholder or
2 individual;

3 (b) Has two or more firearm entities as members; and

4 (c) Is exempt from federal income taxation under section 501(a) of
5 the Internal Revenue Code of 1986, as an organization described by
6 section 501(c) of such code;

7 (9) Governmental entity means:

8 (a) Any state agency; and

9 (b) Any political subdivision of this state;

10 (10) Sole-source provider means a supplier who provides goods or
11 services of a unique nature or goods or services that are solely
12 available through the supplier and the supplier is the only practicable
13 source to provide the goods or services; and

14 (11) State agency means any agency, board, or commission of this
15 state other than the University of Nebraska, the Nebraska state colleges,
16 the courts, the Legislature, or any officer or state agency established
17 by the Constitution of Nebraska.

18 Sec. 3. (1) The Firearm Industry Nondiscrimination Act shall apply
19 to a contract that:

20 (a) Is between a governmental entity and a company with at least ten
21 full-time employees;

22 (b) Has a value of at least one hundred thousand dollars that is
23 paid wholly or partly from public funds of the governmental entity; and

24 (c) Is entered into on or after the effective date of this act.

25 (2) Except as provided in section 4 of this act, a governmental
26 entity shall not enter into a contract with a company for the purchase of
27 goods or services unless the contract contains a written verification
28 from the company that it:

29 (a) Does not have a practice, policy, guidance document, or
30 directive that discriminates against a firearm entity or firearm trade
31 association; and

1 (b) Will not discriminate against a firearm entity or firearm trade
2 association during the term of the contract.

3 Sec. 4. The requirements of section 3 of this act do not apply if a
4 governmental entity:

5 (1) Contracts with a sole-source provider; or

6 (2) Does not receive a bid from a company that is able to provide
7 the written verification required by section 3 of this act.

8 Sec. 5. The Department of Administrative Services has the authority
9 and responsibility of reviewing state agency contracts to confirm that
10 the requirements of the Firearm Industry Nondiscrimination Act have been
11 satisfied.