

E AND R AMENDMENTS TO LB 628

Introduced by Larson, 40, Chairperson Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 23-3104, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 23-3104 As used in the County Purchasing Act, unless the
6 context otherwise requires:

7 (1) Mobile equipment ~~shall mean~~ means all vehicles
8 propelled by any power other than muscular, including, but
9 not limited to, motor vehicles, off-road designed vehicles,
10 motorcycles, passenger cars, self-propelled mobile homes,
11 truck-tractors, trucks, cabin trailers, semitrailers, trailers,
12 utility trailers, and road and general-purpose construction and
13 maintenance machinery not designed or used primarily for the
14 transportation of persons or property, including, but not limited
15 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,
16 leveling graders, earthmoving carryalls, power shovels, earthmoving
17 equipment, and crawler tractors;

18 (2) Personal property ~~shall include, but not be includes,~~
19 but is not limited to, supplies, materials, mobile equipment, and
20 equipment used by or furnished to any county officer, office,
21 department, institution, board, or other agency of the county
22 government. Personal property ~~shall~~ does not include election
23 ballots;

1 (3) Services ~~shall mean~~ means any and all services except
2 telephone, telegraph, postal, and electric light and power service,
3 other similar services, and election contractual services; and

4 (4) Purchasing or purchase ~~shall mean~~ means the obtaining
5 of personal property or services by sale, lease, or other
6 contractual means. Purchase ~~shall also include~~ includes contracting
7 with sheltered workshops for products or services as provided in
8 Chapter 48, article 15.

9 Sec. 2. Section 23-3107, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 23-3107 The county board or purchasing agent, subject
12 to the approval of the county board, shall: (1) Prescribe the
13 manner in which personal property shall be purchased, delivered,
14 and distributed; (2) prescribe dates for making estimates, the
15 future period which they are to cover, the form in which they
16 are submitted, and the manner of their authentication; (3) revise
17 forms from time to time as conditions warrant; (4) provide for the
18 transfer to and between county departments and agencies of personal
19 property which is surplus with one department or agency but which
20 may be needed by another or others; (5) dispose of by sale personal
21 property which has been declared by the county board to be surplus
22 and which is obsolete or not usable by the county. ~~Such~~ Except
23 as otherwise provided in subsection (2) of section 23-3115, such
24 property with a value of less than two thousand five hundred
25 dollars may be sold without competitive bidding. ~~Property~~ Except as
26 otherwise provided in subsection (2) of section 23-3115, property
27 with a value of two thousand five hundred dollars or more shall

1 be sold through competitive bidding; (6) prescribe the amount of
2 cash deposit or bond to be submitted with a bid on a contract and
3 the amount of deposit or bond to be given for the performance of
4 a contract, if the amount of the bond is not specifically provided
5 by law; and (7) prescribe the manner in which claims for personal
6 property or services delivered to any department or agency of the
7 county shall be submitted, approved, and paid.

8 Sec. 3. Section 23-3115, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 23-3115 (1) The county board or the purchasing agent,
11 with the approval of the county board, may authorize a county
12 official or employee to sell surplus personal property, other
13 than mobile equipment, which is obsolete or not usable by the
14 county, ~~other than mobile equipment, having and which has a value~~
15 of less than two thousand five hundred dollars. In making such
16 authorization, the county board or purchasing agent may place any
17 restriction on the type or value of property to be sold, restrict
18 such authority to a single transaction or to a period of time, or
19 make any other appropriate restrictions or conditions.

20 (2) The county board or the purchasing agent, with the
21 approval of the county board, may authorize a county official or
22 employee to sell surplus mobile equipment which is obsolete or
23 not usable by the county and which has a value of less than five
24 thousand dollars. Surplus mobile equipment which is obsolete or not
25 usable by the county and which has a value of five thousand dollars
26 or more shall be sold through competitive bidding.

27 ~~(2)~~ (3) Any county official or employee granted the

1 authority to sell surplus personal property which is obsolete or
2 not usable by the county as prescribed in subsection (1) or (2) of
3 this section shall make a written report to the county board within
4 thirty days after the end of the fiscal year reflecting, for each
5 transaction, the item sold, the name and address of the purchaser,
6 the price paid by the purchaser for each item, and the total amount
7 paid by the purchaser.

8 ~~(3)~~ (4) The money generated by any sales authorized by
9 this section shall be payable to the county treasurer and shall be
10 credited to the funds of the department, office, or agency to which
11 the property belonged.

12 ~~(4)~~ (5) No person authorized by the county board or
13 purchasing agent to make such sales shall be authorized to make or
14 imply any warranty of any kind whatsoever as to the nature, use,
15 condition, or fitness for a particular purpose of any property sold
16 pursuant to this section. Any person making sales authorized by
17 this section shall inform the purchaser that such property is being
18 sold as is without any warranty of any kind whatsoever.

19 Sec. 4. The governing body of a county, city, village,
20 or public utility may authorize the donation of any motor vehicle
21 that is owned by such county, city, village, or public utility,
22 if the governing body has determined that the motor vehicle has
23 reached the end of its useful life, to any charitable organization
24 described in section 501(c)(3) of the Internal Revenue Code that is
25 incorporated pursuant to the Nebraska Nonprofit Corporation Act.

26 Sec. 5. Original sections 23-3104, 23-3107, and 23-3115,
27 Reissue Revised Statutes of Nebraska, are repealed.

1 2. On page 1, strike beginning with "provide" in line 1
2 through line 3 and insert "amend sections 23-3104, 23-3107, and
3 23-3115, Reissue Revised Statutes of Nebraska; to change provisions
4 relating to the sale of surplus personal property under the County
5 Purchasing Act; to provide for the donation of motor vehicles
6 by certain political subdivisions as prescribed; to harmonize
7 provisions; and to repeal the original sections."