

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 139**

Introduced by Lautenbaugh, 18.

Read first time January 07, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the County Purchasing Act; to amend sections  
2 23-3104 and 23-3115, Reissue Revised Statutes of  
3 Nebraska; to allow for the sale of mobile equipment as  
4 surplus personal property; to increase the monetary  
5 restriction on the sale of surplus personal property; and  
6 to repeal the original sections.

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

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

3           23-3104 As used in the County Purchasing Act, unless the  
4 context otherwise requires:

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

15           ~~(2)-(1) Personal property shall include, but not be~~  
16 ~~includes, but is not limited to, supplies, materials, and equipment~~  
17 ~~used by or furnished to any county officer, office, department,~~  
18 ~~institution, board, or other agency of the county government.~~  
19 ~~Personal property shall does not include election ballots;~~

20           ~~(3)-(2) Services shall mean means any and all services~~  
21 ~~except telephone, telegraph, postal, and electric light and power~~  
22 ~~service, other similar services, and election contractual services;~~  
23 and

24           ~~(4)-(3) Purchasing or purchase shall mean means the~~  
25 ~~obtaining of personal property or services by sale, lease, or other~~

1 contractual means. Purchase ~~shall also include~~ includes contracting  
2 with sheltered workshops for products or services as provided in  
3 Chapter 48, article 15.

4           Sec. 2. Section 23-3115, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           23-3115 (1) The county board or the purchasing agent,  
7 with the approval of the county board, may authorize a county  
8 official or employee to sell surplus personal property which is  
9 obsolete or not usable by the county, ~~other than mobile equipment,~~  
10 having that has a value of less than two thousand five hundred  
11 dollars. In making such authorization, the county board or purchasing  
12 agent may place any restriction on the type or value of property to  
13 be sold, restrict such authority to a single transaction or to a  
14 period of time, or make any other appropriate restrictions or  
15 conditions.

16           (2) Any county official or employee granted the authority  
17 to sell surplus personal property which is obsolete or not usable by  
18 the county as prescribed in subsection (1) of this section shall make  
19 a written report to the county board within thirty days after the end  
20 of the fiscal year reflecting, for each transaction, the item sold,  
21 the name and address of the purchaser, the price paid by the  
22 purchaser for each item, and the total amount paid by the purchaser.

23           (3) The money generated by any sales authorized by this  
24 section shall be payable to the county treasurer and shall be  
25 credited to the funds of the department, office, or agency to which

1 the property belonged.

2 (4) No person authorized by the county board or  
3 purchasing agent to make such sales shall be authorized to make or  
4 imply any warranty of any kind whatsoever as to the nature, use,  
5 condition, or fitness for a particular purpose of any property sold  
6 pursuant to this section. Any person making sales authorized by this  
7 section shall inform the purchaser that such property is being sold  
8 as is without any warranty of any kind whatsoever.

9 Sec. 3. Original sections 23-3104 and 23-3115, Reissue  
10 Revised Statutes of Nebraska, are repealed.