

AMENDMENTS TO LB974

(Amendments to Final Reading copy)

Introduced by Avery

1 1. Insert the following new sections:

2 Section 1. Section 73-507, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4 73-507 (1) Subject to review by the Director of  
5 Administrative Services, the division shall provide procedures to  
6 grant limited exceptions from sections 73-504, 73-508, and 73-509  
7 for:

8 ~~(a) Sole source and emergency contracts; and~~

9 (a) Sole source contracts, emergency contracts, and  
10 contracts for services when the price has been established by  
11 the federal General Services Administration or competitively bid  
12 by another state or group of states, a group of states and  
13 any political subdivision of any other state, or a cooperative  
14 purchasing organization on behalf of a group of states; and

15 (b) Other circumstances or specific contracts when any  
16 of the requirements of sections 73-504, 73-508, and 73-509 are  
17 not appropriate for or are not compatible with the circumstances  
18 or contract. The division shall provide a written rationale which  
19 shall be kept on file when granting an exception under this  
20 subdivision.

21 (2) The following types of contracts for services are not  
22 subject to sections 73-504, 73-508, 73-509, and 73-510:

1           (a) Contracts for services subject to the Nebraska  
2 Consultants' Competitive Negotiation Act;

3           (b) Contracts for services subject to federal law,  
4 regulation, or policy or state statute, under which a state  
5 agency is required to use a different selection process or to  
6 contract with an identified contractor or type of contractor;

7           (c) Contracts for professional legal services and  
8 services of expert witnesses, hearing officers, or administrative  
9 law judges retained by state agencies for administrative or court  
10 proceedings;

11           (d) Contracts involving state or federal financial  
12 assistance passed through by a state agency to a political  
13 subdivision;

14           (e) Contracts with a value of fifteen million dollars or  
15 less with direct providers of medical, behavioral, or developmental  
16 health services, child care, or child welfare services to an  
17 individual;

18           (f) Agreements for services to be performed for a state  
19 agency by another state or local government agency or contracts  
20 made by a state agency with a local government agency for the  
21 direct provision of services to the public;

22           (g) Agreements for services between a state agency and  
23 the University of Nebraska, the Nebraska state colleges, the  
24 courts, the Legislature, or other officers or state agencies  
25 established by the Constitution of Nebraska;

26           (h) Department of Insurance contracts for financial  
27 or actuarial examination, for rehabilitation, conservation,

1 reorganization, or liquidation of licensees, and for professional  
2 services related to residual pools or excess funds under the  
3 agency's control;

4 (i) Department of Roads contracts for all road and bridge  
5 projects;

6 (j) Nebraska Investment Council contracts; and

7 (k) Contracts under section 57-1503.

8 Sec. 2. Section 77-2215, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 77-2215 (1) Whenever it shall be made to appear to the  
11 satisfaction of any officer, except the Director of Administrative  
12 Services, authorized by law to issue warrants, that any warrant  
13 issued by him or her has been lost or destroyed, such officer  
14 shall have authority to issue a ~~duplicate~~ replacement thereof.  
15 ~~, numbered the same as the original, with the word duplicate~~  
16 ~~written or printed in red ink across the face thereof. No duplicate~~  
17 replacement warrant shall be issued until the party applying for  
18 the same shall make an affidavit that such party was the owner  
19 of the original warrant and shall also file with such officer  
20 an indemnity bond with good and sufficient security, conditioned  
21 to refund any money received by the party or his or her assigns  
22 on such ~~duplicate~~ replacement in case of presentation and payment  
23 of the original by the treasurer upon whom the same is drawn,  
24 whether upon a genuine endorsement thereon or otherwise. The payee  
25 of any lost or destroyed warrant shall not be required to file  
26 an indemnity bond when the affidavit shows that such payee has  
27 not received such lost or destroyed warrant and cannot reasonably

1 expect to receive it.

2 (2) Whenever it shall have come to the attention of the  
3 Director of Administrative Services that an outstanding warrant  
4 has not been presented for payment, the Director of Administrative  
5 Services shall immediately issue a stop-payment order and notify  
6 the State Treasurer ~~by letter~~ of the issuance of such order.  
7 After the expiration of seven working days from the issuance of  
8 such order, if in the meantime such outstanding warrant has not  
9 been presented for payment, the Director of Administrative Services  
10 shall have authority to issue a ~~duplicate~~ replacement thereof.  ~~numbered the same as the original, with the word duplicate written~~  
11 ~~or printed in red ink across the face thereof.~~ In an emergency,  
12 the Director of Administrative Services may immediately issue such  
13 ~~duplicate~~ replacement warrant.  
14

15 Sec. 5. Section 81-153, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 81-153 The materiel division shall have the power and  
18 duty to:

19 (1) Purchase or contract for, in the name of the state,  
20 the personal property required by the using agencies and the state;

21 (2) Promulgate, apply, and enforce standard  
22 specifications established as provided in section 81-154;

23 (3) Sell and dispose of personal property that is not  
24 needed by the state or its using agencies as provided in section  
25 81-161.04 or initiate trade-ins when determined to be in the best  
26 interest of the state;

27 (4) Determine the utility, quality, fitness, and

1 suitability of all personal property tendered or furnished;

2 (5) Make rules and regulations consistent with sections  
3 81-145 to 81-171 and 81-1118 to 81-1118.06 to carry into effect  
4 the provisions thereof. Such rules and regulations shall include  
5 provisions for modifying and terminating purchase contracts and the  
6 cost principles to be used in such modification or termination;

7 (6) Employ such clerical, technical, and other assistants  
8 as may be necessary to properly administer such sections, fix their  
9 compensation, and prescribe their duties in connection therewith,  
10 subject to existing laws and appropriations;

11 (7) Allow the purchase of ~~items~~ personal property without  
12 competitive bidding when the price has been established by  
13 the federal General Services Administration or to allow the  
14 purchase of ~~items~~ personal property by participation in a contract  
15 competitively bid by another state or group of states, a group  
16 of states and any political subdivision of any other state, or a  
17 cooperative purchasing organization on behalf of a group of states.  
18 The division may also give consideration to a sheltered workshop  
19 pursuant to section 48-1503 in making such purchases;

20 (8) Enter into any personal property lease agreement when  
21 it appears to be in the best interest of the state; and

22 (9) Negotiate purchases and contracts when conditions  
23 exist to defeat the purpose and principles of public competitive  
24 bidding.

25 Sec. 6. Section 81-181, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 81-181 (1) Not later than ~~December~~ September 15 of each

1 even-numbered year, each agency shall submit to the Governor, in  
2 the form prescribed by him or her, a report of its proposed  
3 building renewal projects for the next ~~fiscal year~~. biennium.  
4 Such report shall contain the information specified in section  
5 81-177 and shall constitute a request for the allocation of funds  
6 from the Building Renewal Allocation Fund. Such report shall  
7 also constitute, as applicable, a request for the allocation of  
8 funds from the State Building Renewal Assessment Fund, University  
9 Building Renewal Assessment Fund, or State College Building Renewal  
10 Assessment Fund. The Governor shall, with the advice of the  
11 task force, allocate from such funds the sum necessary for the  
12 accomplishment of projects approved by him or her. Allocations from  
13 the Building Renewal Allocation Fund shall be made in a manner  
14 that assures accomplishment of Class I projects first, followed  
15 by accomplishment of Class II projects, and then accomplishment of  
16 Class III projects, unless doing so in a particular case would  
17 violate sound building renewal policies and practices. The amount  
18 of such allocation shall not be transferred to the agency but shall  
19 remain within, as applicable, the Building Renewal Allocation Fund,  
20 State Building Renewal Assessment Fund, University Building Renewal  
21 Assessment Fund, or State College Building Renewal Assessment Fund  
22 subject to the control of the Governor until disbursed consistent  
23 with the provisions of the Deferred Building Renewal Act.

24           (2) The University of Nebraska and the state colleges may  
25 include in their reports under subsection (1) of this section their  
26 proposed building renovation projects that have received approval  
27 of the Coordinating Commission for Postsecondary Education, if

1 required pursuant to section 85-1414, for the coming ~~fiscal year~~  
2 biennium as authorized by section 81-188.03 or 81-188.05, as  
3 applicable, which shall constitute requests for allocation of  
4 funds for such proposed projects from the University Building  
5 Renewal Assessment Fund or the State College Building Renewal  
6 Assessment Fund, as applicable. The Governor, with the advice of  
7 the task force, shall allocate from the University Building Renewal  
8 Assessment Fund or the State College Building Renewal Assessment  
9 Fund, as applicable, the sum necessary for the accomplishment of  
10 the renovation projects approved by him or her. Such allocations  
11 shall not be transferred to the University of Nebraska or the state  
12 college or colleges making the request but shall remain in the  
13 University Building Renewal Assessment Fund or the State College  
14 Building Renewal Assessment Fund, as applicable, subject to the  
15 control of the Governor until disbursed pursuant to the Deferred  
16 Building Renewal Act.

17           Sec. 7. Section 81-1018, Revised Statutes Cumulative  
18 Supplement, 2012, is amended to read:

19           81-1018 (1) The Legislature hereby declares that the  
20 purpose and intent of this section are to take positive steps to  
21 reduce the consumption of gasoline in this state and to make the  
22 most efficient and economical use of the nation's resources and the  
23 state's funds.

24           (2) After August 24, 1975, all state-owned vehicles  
25 that are passenger cars purchased, leased, rented, or approved  
26 for purchase, lease, or rent by the bureau shall be of the  
27 intermediate, compact, or subcompact class. Not less than fifty

1 percent of such state-owned vehicles shall be of the compact or  
2 subcompact class unless the costs to operate and maintain such  
3 vehicles are not to the advantage of the state or such requirement  
4 fails to meet the intent of sections 81-1008 to 81-1025. For  
5 purposes of this section, classes shall be as defined by motor  
6 vehicle manufacturers.

7           2. Renumber the remaining sections and correct the  
8 repealer accordingly.