

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 999

Introduced by Garrett, 3; Craighead, 6.

Read first time January 15, 2016

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to surplus property; to amend sections
2 81-161.04 and 81-161.06, Reissue Revised Statutes of Nebraska; to
3 change the disposition of proceeds from the sale of surplus personal
4 property as prescribed; to change provisions relating to the State
5 Surplus Property Revolving Fund; to eliminate a provision relating
6 to the conveyance or lease of real estate by the Department of
7 Economic Development; to repeal the original sections; and to
8 outright repeal section 90-253, Reissue Revised Statutes of
9 Nebraska.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-161.04, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-161.04 (1) Whenever any using agency has any personal property
4 for which it no longer has any need or use, it shall notify the materiel
5 division in writing setting forth a description of the property and the
6 approximate length of time that the property has been in the possession
7 of the using agency. The materiel division shall appraise the property
8 and notify all other using agencies of the state that the materiel
9 division has the property for sale and that the property can be bought at
10 the appraised price. No property will be sold until first offered to
11 using agencies as provided by this section unless the property is
12 unusable. If the materiel division fails to receive an offer from any
13 using agency, it may sell or dispose of the property by any method which
14 is most advantageous to the State of Nebraska, including auction, sealed
15 bid, private or public sale, or trade-in for other property, with
16 priorities given to the other political subdivisions. All sales shall be
17 made in the name of the State of Nebraska. The materiel division shall
18 charge an administrative fee for the disposition of surplus property.
19 Such administrative fee shall be a percentage of the amount of the sale
20 of the surplus property. In the event surplus property is determined to
21 have no market value, the materiel administrator may waive the
22 administrative fee.

23 (2) Except as otherwise provided in this subsection, the proceeds of
24 the sales shall be deposited ~~with the State Treasurer~~ and credited to the
25 fund from which the property was originally purchased or the General Fund
26 unless the using agency certifies to the materiel division that the
27 property was purchased in part or in total from either cash accounts or
28 federal funds or from a percentage of such accounts or funds, in which
29 case the proceeds of the sale to that extent shall be credited to the
30 cash or federal account in the percentage used in originally purchasing
31 the property. The cost of selling surplus property shall be deducted from

1 the proceeds of the surplus property sold. The proceeds received from the
2 sale of passenger-carrying motor vehicles originally purchased with money
3 from the General Fund, other than passenger-carrying motor vehicles used
4 by the Nebraska State Patrol, less selling costs, shall be deposited in
5 the state treasury and credited by the State Treasurer to the
6 Transportation Services Bureau Revolving Fund. The proceeds received from
7 the sale of passenger-carrying motor vehicles used by the Nebraska State
8 Patrol, less selling costs, shall be deposited in the state treasury and
9 credited by the State Treasurer to the Nebraska State Patrol Vehicle
10 Replacement Cash Fund. The proceeds received from the sale of
11 micrographic equipment, other than that of the University of Nebraska and
12 state colleges, less selling costs, shall be deposited in the state
13 treasury and credited by the State Treasurer to the Records Management
14 Micrographics Services Revolving Fund. The proceeds received from the
15 sale of aircraft, less selling costs, shall be deposited in the state
16 treasury and credited by the State Treasurer to the Department of
17 Aeronautics Cash Fund.

18 Sec. 2. Section 81-161.06, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 81-161.06 There is hereby created the State Surplus Property
21 Revolving Fund. The fund shall be administered by the materiel division
22 of the Department of Administrative Services. The fund shall consist of
23 administrative fees and money collected from the sale of surplus property
24 ~~and fees from such sales~~ and shall be used to reimburse the appropriate
25 funds from the proceeds of such sales and pay for expenses incurred by
26 the division for the sale of the property.

27 Any money in the fund available for investment shall be invested by
28 the state investment officer pursuant to the Nebraska Capital Expansion
29 Act and the Nebraska State Funds Investment Act.

30 Sec. 3. Original sections 81-161.04 and 81-161.06, Reissue Revised
31 Statutes of Nebraska, are repealed.

1 Sec. 4. The following section is outright repealed: Section 90-253,
2 Reissue Revised Statutes of Nebraska.