

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 628**

Final Reading

(Second)

Introduced by Cook, 13.

Read first time January 19, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to personal property; to amend sections 23-3104,  
2 23-3107, and 23-3115, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to the sale of  
4 surplus personal property under the County Purchasing  
5 Act; to provide for the donation of motor vehicles by  
6 certain political subdivisions as prescribed; to  
7 harmonize provisions; and to repeal the original  
8 sections.

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

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

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

25           (4) Purchasing or purchase ~~shall mean~~ means the obtaining

1 of personal property or services by sale, lease, or other contractual  
2 means. Purchase ~~shall~~ also ~~include~~ includes contracting with  
3 sheltered workshops for products or services as provided in Chapter  
4 48, article 15.

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

7 23-3107 The county board or purchasing agent, subject to  
8 the approval of the county board, shall: (1) Prescribe the manner in  
9 which personal property shall be purchased, delivered, and  
10 distributed; (2) prescribe dates for making estimates, the future  
11 period which they are to cover, the form in which they are submitted,  
12 and the manner of their authentication; (3) revise forms from time to  
13 time as conditions warrant; (4) provide for the transfer to and  
14 between county departments and agencies of personal property which is  
15 surplus with one department or agency but which may be needed by  
16 another or others; (5) dispose of by sale personal property which has  
17 been declared by the county board to be surplus and which is obsolete  
18 or not usable by the county. ~~Such~~ Except as otherwise provided in  
19 subsection (2) of section 23-3115, such property with a value of less  
20 than two thousand five hundred dollars may be sold without  
21 competitive bidding. Property ~~Property~~ Except as otherwise provided in  
22 subsection (2) of section 23-3115, property with a value of two  
23 thousand five hundred dollars or more shall be sold through  
24 competitive bidding; (6) prescribe the amount of cash deposit or bond  
25 to be submitted with a bid on a contract and the amount of deposit or

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

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

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

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

25           ~~(2)~~ (3) Any county official or employee granted the

1 authority to sell surplus personal property which is obsolete or not  
2 usable by the county as prescribed in subsection (1) or (2) of this  
3 section shall make a written report to the county board within thirty  
4 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 this  
17 section shall inform the purchaser that such property is being sold  
18 as is without any warranty of any kind whatsoever.

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

1 unless such donation is prohibited by law. The governing body shall  
2 not authorize such donation if any employee of the charitable  
3 organization or any proposed recipient of the motor vehicle from the  
4 charitable organization is a family member of any member of the  
5 governing body. For purposes of this section, family member means a  
6 spouse, child, parent, brother, sister, grandchild, or grandparent by  
7 blood, marriage, or adoption.

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