

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1080**

Introduced by Seiler, 33.

Read first time January 20, 2016

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Department of Correctional Services; to  
2 amend sections 81-161.03 and 83-150, Reissue Revised Statutes of  
3 Nebraska, and section 81-1185, Revised Statutes Supplement, 2015; to  
4 increase the dollar amount authorized for direct purchases for  
5 correctional industries; to change provisions relating to recyclable  
6 material used by the correctional industries program; and to repeal  
7 the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-161.03, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 81-161.03 The materiel division may, by written order, permit  
4 purchases, contracts, or leases to be made by any using agency directly  
5 with the vendor or supplier whenever it appears to the satisfaction of  
6 the materiel division that, because of the unique nature of the personal  
7 property, the price in connection therewith, the quantity to be  
8 purchased, the location of the using agency, the time of the use of the  
9 personal property, or any other circumstance, the interests of the state  
10 will be served better by purchasing or contracting direct than through  
11 the materiel division.

12 Such permission shall be revocable and shall be operative for a  
13 period not exceeding twelve months from the date of issue. Using agencies  
14 receiving such permission shall report their acts and expenditures under  
15 such orders to the materiel division in writing and furnish such agent  
16 with proper evidence that competition has been secured at such time and  
17 covering such period as may be required by the materiel division.

18 The materiel division shall adopt and promulgate rules and  
19 regulations establishing criteria which must be met by any agency seeking  
20 direct market purchase authorization. Purchases for miscellaneous needs  
21 may be made directly by any agency without prior approval from the  
22 materiel division for purchases of less than ten thousand dollars if the  
23 agency has completed a certification program as prescribed by the  
24 materiel division.

25 The Department of Correctional Services may purchase raw materials,  
26 supplies, component parts, and equipment perishables directly for  
27 industries established pursuant to section 83-183, whether such purchases  
28 are made to fill specific orders or for general inventories. Any such  
29 purchase shall not exceed fifty ~~twenty-five~~ thousand dollars. The  
30 department shall comply with the bidding process of the materiel division  
31 and shall be subject to audit by the materiel division for such

1 purchases.

2 Sec. 2. Section 81-1185, Revised Statutes Supplement, 2015, is  
3 amended to read:

4 81-1185 For purposes of the State Government Recycling Management  
5 Act, state government recyclable material means any product or material  
6 that has reached the end of its useful life, is obsolete, or is no longer  
7 needed by state government and for which there are readily available  
8 markets to take the material. State government recyclable material  
9 includes paper, paperboard, aluminum and other metals, yard waste, glass,  
10 tires, oil, and plastics. State government recyclable material does not  
11 include cans or other containers recycled under section 83-915.01, or  
12 material used in the production of goods or the provision of services by  
13 the correctional industries program of the Department of Correctional  
14 Services.

15 Sec. 3. Section 83-150, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 83-150 All funds received by the Department of Correctional Services  
18 under sections 83-144 to 83-152 and from the recycling of material used  
19 in the production of goods or the provision of services by the  
20 department's correctional industries program shall be remitted to the  
21 State Treasurer for credit to the Correctional Industries Revolving Fund,  
22 which fund is hereby created. The fund shall be administered by the  
23 Director of Correctional Services. The fund (1) shall be used to pay all  
24 proper expenses incident to the administration of sections 83-144 to  
25 83-152 and (2) may be used to carry out section 83-186.01, except that  
26 transfers from the fund to the General Fund may be made at the direction  
27 of the Legislature. Any money in the Correctional Industries Revolving  
28 Fund available for investment shall be invested by the state investment  
29 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
30 State Funds Investment Act.

31 Sec. 4. Original sections 81-161.03 and 83-150, Reissue Revised

1 Statutes of Nebraska, and section 81-1185, Revised Statutes Supplement,  
2 2015, are repealed.