

AMENDMENTS TO LB 628

Introduced by Lautenbaugh

1 1. Insert the following new sections:

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

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

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

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

23 (3) Services ~~shall mean~~ means any and all services except

1 telephone, telegraph, postal, and electric light and power service,
2 other similar services, and election contractual services; and

3 (4) Purchasing or purchase ~~shall mean~~ means the obtaining
4 of personal property or services by sale, lease, or other
5 contractual means. Purchase ~~shall also include~~ includes contracting
6 with sheltered workshops for products or services as provided in
7 Chapter 48, article 15.

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

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

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

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

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

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

26 ~~(2)~~ (3) Any county official or employee granted the
27 authority to sell surplus personal property which is obsolete or

1 not usable by the county as prescribed in subsection (1) or (2) of
2 this section shall make a written report to the county board within
3 thirty days after the end of the fiscal year reflecting, for each
4 transaction, the item sold, the name and address of the purchaser,
5 the price paid by the purchaser for each item, and the total amount
6 paid by the purchaser.

7 ~~(3)~~ (4) The money generated by any sales authorized by
8 this section shall be payable to the county treasurer and shall be
9 credited to the funds of the department, office, or agency to which
10 the property belonged.

11 ~~(4)~~ (5) No person authorized by the county board or
12 purchasing agent to make such sales shall be authorized to make or
13 imply any warranty of any kind whatsoever as to the nature, use,
14 condition, or fitness for a particular purpose of any property sold
15 pursuant to this section. Any person making sales authorized by
16 this section shall inform the purchaser that such property is being
17 sold as is without any warranty of any kind whatsoever.

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

20 2. Renumber the remaining section accordingly.