

LEGISLATIVE BILL 548

Approved by the Governor May 31, 1977

Introduced by Executive Board of the Legislative Council,
Marvel, 33, Chmn.; R. Lewis, 38; Luedtke, 28;
Bereuter, 24; Nichol, 48; Stoney, 4; Mills, 44

AN ACT to amend sections 81-907, 81-909, 81-910, 81-911, and 81-912, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to state legislative intent; to provide duties of the Department of Roads as prescribed; to transfer responsibility; to provide for a transfer of personnel; to make an appropriation; to provide an operative date; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. It is the intent of the Legislature that a single state agency shall, in cooperation with other state agencies and political subdivisions, carry out the provisions of Public Law 94-519.

Sec. 2. The Department of Roads shall be responsible for the creation and implementation of a state plan to comply with Public Law 94-519 dealing with surplus and excess property. The Department of Roads shall prepare the plan, implementation procedure, and rules and regulations, as necessary to implement this act. The final plan shall be submitted to the Executive Board of the Legislative Council on or before January 1, 1978.

Sec. 3. On or before March 1, 1978, the Legislature shall review the plan submitted pursuant to section 2 of this act as required by the Administrative Procedures Act. If no recommendations for changes are made prior to March 1, such failure to act shall be construed as legislative approval.

Sec. 4. Effective October 17, 1977, all property, assets, and liabilities relating to those federal surplus and excess property programs which are consolidated by Public Law 94-519 and operated by the individual state agencies in the State of Nebraska shall be transferred to the Department of Roads.

Sec. 5. That section 81-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-907. The State of Nebraska, its political subdivisions and instrumentalities, and tax-supported institutions are authorized to purchase or receive surplus property from the government of the United States or any government agency thereof, ~~under and pursuant to the terms of the Surplus Property Act of 1944, and any amendments thereto, enacted by the Congress of the United States;~~

Sec. 6. That section 81-909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-909. The ~~Purchasing Agent~~ Department of Roads of the State of Nebraska shall, upon behalf of the state, and may, upon behalf of any political subdivision, instrumentality and tax-supported institution of the state, be designated to act for the purchaser recipient and negotiate with the appropriate agencies and institutions ~~Surplus Property Board~~ of the United States for the purchase or receipt of surplus property under such regulations as may be prescribed by federal law, ~~under the Surplus Property Act of 1944, and any amendments thereto;~~

Sec. 7. That section 81-910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-910. The Department of Education shall cooperate with and assist the public schools and public educational institutions in securing funds, services, and commodities ~~and equipment~~ which may be made available to them by the federal government or its agencies.

Sec. 8. That section 81-911, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-911. A copy of all contracts, agreements or arrangements made by any public school or public educational institution, under the supervision of the Department of Education, in securing funds, services, and commodities ~~and equipment~~ from the federal government or its agencies, as provided by section 81-910, shall be filed in the office of the department. Any federal funds ~~or equipment~~ made available for public schools in this state shall be channeled through the department and be administered in conformity with the laws of this state.

Sec. 9. That section 81-912, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-912. There is hereby established in the Department of Roads a revolving fund to be known as the Federal Surplus Property Fund. The Director of Administrative Services, upon receipt of proper vouchers approved by the Commissioner-of-Education Department of Roads, shall issue his warrants out of the Federal Surplus Property Fund for the purpose of administering the program and for purchasing, packing, handling and transportation of commodities--and equipment from the federal government as provided by section 81-910 2 of this act, but never in excess of the amount specifically appropriated. All receipts from schools for purchasing, packing, handling and transportation of such commodities and equipment shall be paid to the State Treasurer and credited to the Federal Surplus Property Fund. Any money in the Federal Surplus Property Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 10. There is hereby appropriated all receipts not to exceed one hundred fifty thousand dollars from the Federal Surplus Property Fund for the period July 1, 1977, to June 30, 1978, to the Department of Roads, Agency No. 27, to aid in carrying out the provisions of this act.

Sec. 11. All employees employed in those federal surplus and excess property programs which are consolidated by Public Law 94-519 may be transferred to the Department of Roads. All employees so transferred shall be: (1) Employed under and compensated through the State Personnel System; and (2) considered as new employees solely for purposes of performance evaluation and subject to all applicable policies and procedures for such transfer. All employees so transferred shall keep all accrued benefits such as sick leave, vacation leave, and retirement benefits after such transfer has been completed.

Sec. 12. The Department of Roads shall adopt and promulgate rules and regulations necessary to carry out this act.

Sec. 13. This act shall become operative on July 1, 1977.

Sec. 14. That original sections 81-907, 81-909, 81-910, 81-911, and 81-912, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 15. Since an emergency exists, this act shall be in full force and take effect, from and after

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its passage and approval, according to law.