

AMENDMENTS TO LB703

Introduced by Murman, 38.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 81-145, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-145 As used in sections 81-145 to 81-162, unless the context
6 otherwise requires:

7 (1) Materiel division means ~~shall mean~~ the head of the division of
8 the state government charged with the administration of sections 81-145
9 to 81-162 and 81-1118 to 81-1118.06, which division shall be a part of
10 and subject to the supervision of the office of the Director of
11 Administrative Services;

12 (2) Personal property includes ~~shall include~~ all materials,
13 supplies, furniture, equipment, printing, stationery, automotive and road
14 equipment, and other chattels, goods, wares, and merchandise whatsoever;

15 (3) Using agencies means and includes ~~shall mean and include~~ all
16 officers of the state, departments, bureaus, boards, commissions,
17 councils, and institutions receiving legislative appropriations, except
18 that using agencies does not include the University of Nebraska and the
19 Nebraska state colleges; and

20 (4) Lease or contract means ~~shall mean~~ an agreement entered into by
21 the state or using agency with another party whereby, for a stated
22 consideration, the state or using agency is to receive the personal
23 property or use thereof furnished by the other party.

24 Sec. 2. Section 81-161.04, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 81-161.04 (1) Whenever any using agency has any personal property
27 for which it no longer has any need or use, it shall notify the materiel

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

19 (2) Except as otherwise provided in this subsection, the proceeds of
20 such the sales shall be deposited with the State Treasurer and credited
21 to the General Fund unless the using agency certifies to the materiel
22 division that the property was purchased in part or in total from either
23 cash accounts or federal funds or from a percentage of such accounts or
24 funds, in which case the proceeds of the sale to that extent shall be
25 credited to the cash or federal account in the percentage used in
26 originally purchasing the property. The cost of selling surplus property
27 shall be deducted from the proceeds of the surplus property sold. The
28 proceeds received from the sale of passenger-carrying motor vehicles
29 originally purchased with money from the General Fund, other than
30 passenger-carrying motor vehicles used by the Nebraska State Patrol, less
31 selling costs, shall be deposited in the state treasury and credited by

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

13 Sec. 3. Section 81-1118, Revised Statutes Cumulative Supplement,
14 2022, is amended to read:

15 81-1118 The materiel division of the Department of Administrative
16 Services is hereby established and shall be managed by the materiel
17 administrator.

18 There are hereby established the following seven branches of the
19 materiel division of the Department of Administrative Services which
20 shall have the following duties, powers, and responsibilities:

21 (1) The office supplies bureau shall be responsible for providing
22 office supplies, paper, and forms to using agencies;

23 (2) Central mail shall be responsible for all mailing operations,
24 transportation of material, tracking shipments, and making freight
25 claims;

26 (3) The print shop shall be responsible for specifications and for
27 receiving bids and placing orders to the lowest and best commercial
28 bidder for all printing and reproduction operations for the state. The
29 print shop shall also be responsible for coordinating all existing
30 printing and reproduction operations of the state;

31 (4) Copy services shall be responsible for the purchasing and

1 placement of all copier requirements;

2 (5) The state purchasing bureau shall be responsible for all
3 purchases by all state agencies other than the University of Nebraska and
4 the Nebraska state colleges. The materiel division shall administer the
5 public notice and bidding procedures and any other areas designated by
6 the Director of Administrative Services to carry out the lease or
7 purchase of personal property. All purchases of and contracts for
8 materials, supplies, or equipment and all leases of personal property
9 shall be made in the following manner except in emergencies approved by
10 the Governor:

11 (a) By a competitive formal sealed bidding process through the
12 materiel division in all cases in which the purchases are of estimated
13 value exceeding fifty thousand dollars;

14 (b) By a competitive informal bidding process through the materiel
15 division in all cases in which the purchases are of estimated value equal
16 to or exceeding twenty-five thousand dollars but equal to or less than
17 fifty thousand dollars;

18 (c) By unrestricted open market purchases through the materiel
19 division in all cases in which purchases are of estimated value of less
20 than twenty-five thousand dollars;

21 (d) All requisitions for whatever purpose coming to the state
22 purchasing bureau shall be in conformance with the approved budget of the
23 requisitioning department or agency;

24 (e) All contracts for purchases and leases shall be bid as a single
25 whole item. In no case shall contracts be divided or fractionated in
26 order to produce several contracts which are of an estimated value below
27 that required for competitive bidding; and

28 (f) No contract for purchase or lease shall be amended to extend the
29 duration of the contract for a period of more than fifty percent of the
30 initial contract term. Following the adoption of any amendment to extend
31 the contract for a period of fifty percent or less of the initial

1 contract term, no further extensions of the original contract shall be
2 permitted. This subdivision (f) does not prohibit the exercise of any
3 renewal option expressly provided in the original contract;

4 (6) The state recycling office shall be responsible for the
5 administration and operation of the State Government Recycling Management
6 Act; and

7 (7) State surplus property shall be responsible for the disposition
8 of the state's surplus property and the maintenance of all inventory
9 records.

10 Nothing in this section shall be construed to require that works of
11 art must be procured through the materiel division.

12 Sec. 4. Section 81-1118.02, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 81-1118.02 (1) Except as otherwise provided in subsection (4) of
15 this section, each ~~Each~~ executive, department, commission, or other state
16 agency, and including the Supreme Court, ~~the Board of Regents of the~~
17 ~~University of Nebraska, and the Board of Trustees of the Nebraska State~~
18 ~~Colleges,~~ shall annually make or cause to be made an inventory of all
19 property, including furniture and equipment, belonging to the State of
20 Nebraska and in the possession, custody, or control of any executive,
21 department, commission, or other state agency. The inventory shall
22 include property in the possession, custody, or control of each
23 executive, department, commission, or other state agency as of June 30
24 and shall be completed and filed with the materiel administrator by
25 August 31 of each year.

26 (2) If any of the property of the state, referred to in subsection
27 (1) of this section, is lost, destroyed, or unaccounted for by the
28 negligence or carelessness of the executive, department, commission, or
29 other state agency, the administrator shall, with the advice of the
30 Attorney General, take the proper steps to recover such state property or
31 the reasonable value thereof from the executive, department, commission,

1 or other state agency charged with the same and from the person bonding
2 such executive, department, commission, or other state agency, if any.

3 (3) Each such executive, department, commission, or other state
4 agency shall indelibly tag, mark, or stamp all such property belonging to
5 the State of Nebraska, with the following: Property of the State of
6 Nebraska. In the inventory required by subsection (1) of this section,
7 each such executive, department, commission, or other state agency shall
8 state positively that each item of such property has been so tagged,
9 marked, or stamped.

10 (4) This section does not apply to the Board of Regents of the
11 University of Nebraska or the Board of Trustees of the Nebraska State
12 Colleges.

13 Sec. 5. Section 85-102, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 85-102 The object of the University of Nebraska ~~such institution~~
16 shall be to afford to the inhabitants of this state the means of
17 acquiring a thorough knowledge of the various branches of literature,
18 science and arts.

19 Sec. 6. Section 85-328, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 85-328 The State College Capitol Improvement Facility ~~Facility~~ Fee Fund is
22 created. Revenue credited to the fund shall include amounts generated
23 through assessment of a capital improvement facilities fee under the
24 authority of the Board of Trustees of the Nebraska State Colleges.
25 Amounts accumulated in the fund are authorized to be expended for the
26 purpose of paying the cost of capital improvement projects approved by
27 the board of trustees for any facilities on campuses or lands owned or
28 controlled by the board, except that no such amounts shall be expended
29 for capital improvement projects relating to facilities from which
30 revenue is derived and pledged for the retirement of revenue bonds issued
31 under ~~the provisions of~~ sections 85-403 to 85-411. All money accruing to

1 the fund is appropriated to the board of trustees and shall be used for
2 capital improvement projects authorized by the board. No expenditure may
3 be made from the fund without prior approval by a resolution of the board
4 of trustees. Any money in the fund available for investment shall be
5 invested by the state investment officer pursuant to the Nebraska Capital
6 Expansion Act and the Nebraska State Funds Investment Act. All revenue,
7 fund balances, and expenditures shall be recorded in the Nebraska State
8 Accounting System.

9 Sec. 7. Section 85-601, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 85-601 It shall be grounds for the dismissal of any member of the
12 faculty or administrative staff employed by, or the expulsion of any
13 student attending, the University of Nebraska or any community college
14 ~~any public institution of higher education~~ in this state to use or assist
15 others in any way in the use of force or to counsel, recommend, or urge
16 the use of force or the threat of force or the seizure of property under
17 the control of such institution, or by any act or action not sanctioned
18 by law to prevent the faculty, administrative officers, employees, or
19 students in such institution from engaging in their normal duties in
20 connection with the operation of the institution or pursuing their
21 studies at such institution.

22 Sec. 8. Section 85-602, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 85-602 No person shall be dismissed or expelled under ~~the provisions~~
25 ~~of~~ section 85-601 until such person he has been accorded a public hearing
26 under rules and regulations for the administration of sections 85-601 to
27 85-605 established by the governing body ~~of the institution~~. Notice of
28 such hearing and a formal written statement of the charges against such
29 person ~~him~~ shall be served by either registered or certified mail, sent
30 to such person's ~~his~~ current address as shown on the records of the
31 University of Nebraska or community college institution, at least twenty

1 days before the date set for hearing. Such person He shall be entitled to
2 file a written response to such charges, to be present in person and by
3 counsel at the hearing, and to testify and produce other witnesses on his
4 or her behalf.

5 Sec. 9. Section 85-603, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 85-603 Dismissal or expulsion of any person under ~~the provisions of~~
8 section 85-601 shall be by written order, which shall contain findings of
9 fact upon which dismissal or expulsion is based, and shall be signed by
10 an authorized agent of the governing body. The order shall be entered
11 within thirty days after the hearing, shall state its effective date, and
12 shall be served by either registered or certified mail, return receipt
13 requested, sent to such person's ~~his~~ current address as shown on the
14 records of the University of Nebraska or community college ~~institution~~.

15 Sec. 10. Section 85-604, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 85-604 Each ~~The governing body of each public institution of higher~~
18 ~~education in this state~~ shall adopt rules and regulations for the
19 administration of ~~the provisions of~~ sections 85-601 to 85-605.

20 Sec. 11. Section 85-605, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 85-605 For purposes of sections 85-601 to 85-605, (1) dismissal does
23 ~~shall~~ not include the failure to renew a probationary appointment of any
24 faculty member or administrative staff member and (2) governing body
25 means the Board of Regents of the University of Nebraska or the Community
26 College Board of Governors, as applicable ~~public institution of higher~~
27 ~~education shall include the University of Nebraska, the state colleges,~~
28 ~~and the community colleges.~~

29 Sec. 12. Original sections 81-145, 81-1118.02, 85-102, 85-328,
30 85-601, 85-602, 85-603, 85-604, and 85-605, Reissue Revised Statutes of
31 Nebraska, and sections 81-161.04 and 81-1118, Revised Statutes Cumulative

1 Supplement, 2022, are repealed.