

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 745

Introduced by Avery, 28.

Read first time January 09, 2014

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to governmental functions; to amend sections
2 77-2215, 81-153, and 81-181, Reissue Revised Statutes of
3 Nebraska, and sections 73-507 and 81-1018, Revised
4 Statutes Cumulative Supplement, 2012; to provide an
5 exception to certain requirements for contracts for
6 services; to change and eliminate provisions for
7 duplicate warrants; to change a duty for the material
8 division of the Department of Administrative Services; to
9 change report requirements under the Deferred Building
10 Renewal Act; to change provisions relating to state-owned
11 vehicles; and to repeal the original sections.

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

1 Section 1. Section 73-507, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 73-507 (1) Subject to review by the Director of
4 Administrative Services, the division shall provide procedures to
5 grant limited exceptions from sections 73-504, 73-508, and 73-509
6 for:

7 ~~(a) Sole source and emergency contracts; and~~

8 (a) Sole source contracts, emergency contracts, and
9 contracts for services when the price has been established by the
10 federal General Services Administration or competitively bid by
11 another state or group of states, a group of states and any political
12 subdivision of any other state, or a cooperative purchasing
13 organization on behalf of a group of states; and

14 (b) Other circumstances or specific contracts when any of
15 the requirements of sections 73-504, 73-508, and 73-509 are not
16 appropriate for or are not compatible with the circumstances or
17 contract. The division shall provide a written rationale which shall
18 be kept on file when granting an exception under this subdivision.

19 (2) The following types of contracts for services are not
20 subject to sections 73-504, 73-508, 73-509, and 73-510:

21 (a) Contracts for services subject to the Nebraska
22 Consultants' Competitive Negotiation Act;

23 (b) Contracts for services subject to federal law,
24 regulation, or policy or state statute, under which a state agency is
25 required to use a different selection process or to contract with an

1 identified contractor or type of contractor;

2 (c) Contracts for professional legal services and
3 services of expert witnesses, hearing officers, or administrative law
4 judges retained by state agencies for administrative or court
5 proceedings;

6 (d) Contracts involving state or federal financial
7 assistance passed through by a state agency to a political
8 subdivision;

9 (e) Contracts with a value of fifteen million dollars or
10 less with direct providers of medical, behavioral, or developmental
11 health services, child care, or child welfare services to an
12 individual;

13 (f) Agreements for services to be performed for a state
14 agency by another state or local government agency or contracts made
15 by a state agency with a local government agency for the direct
16 provision of services to the public;

17 (g) Agreements for services between a state agency and
18 the University of Nebraska, the Nebraska state colleges, the courts,
19 the Legislature, or other officers or state agencies established by
20 the Constitution of Nebraska;

21 (h) Department of Insurance contracts for financial or
22 actuarial examination, for rehabilitation, conservation,
23 reorganization, or liquidation of licensees, and for professional
24 services related to residual pools or excess funds under the agency's
25 control;

1 (i) Department of Roads contracts for all road and bridge
2 projects;

3 (j) Nebraska Investment Council contracts; and

4 (k) Contracts under section 57-1503.

5 Sec. 2. Section 77-2215, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 77-2215 (1) Whenever it shall be made to appear to the
8 satisfaction of any officer, except the Director of Administrative
9 Services, authorized by law to issue warrants, that any warrant
10 issued by him or her has been lost or destroyed, such officer shall
11 have authority to issue a ~~duplicate~~ replacement thereof. ~~, numbered~~
12 ~~the same as the original, with the word duplicate written or printed~~
13 ~~in red ink across the face thereof. No duplicate~~ replacement warrant
14 shall be issued until the party applying for the same shall make an
15 affidavit that such party was the owner of the original warrant and
16 shall also file with such officer an indemnity bond with good and
17 sufficient security, conditioned to refund any money received by the
18 party or his or her assigns on such ~~duplicate~~ replacement in case of
19 presentation and payment of the original by the treasurer upon whom
20 the same is drawn, whether upon a genuine endorsement thereon or
21 otherwise. The payee of any lost or destroyed warrant shall not be
22 required to file an indemnity bond when the affidavit shows that such
23 payee has not received such lost or destroyed warrant and cannot
24 reasonably expect to receive it.

25 (2) Whenever it shall have come to the attention of the

1 Director of Administrative Services that an outstanding warrant has
2 not been presented for payment, the Director of Administrative
3 Services shall immediately issue a stop-payment order and notify the
4 State Treasurer, ~~by letter,~~ of the issuance of such order. After the
5 expiration of seven working days from the issuance of such order, if
6 in the meantime such outstanding warrant has not been presented for
7 payment, the Director of Administrative Services shall have authority
8 to issue a ~~duplicate replacement~~ thereof, ~~numbered the same as the~~
9 ~~original, with the word duplicate written or printed in red ink~~
10 ~~across the face thereof.~~ In an emergency, the Director of
11 Administrative Services may immediately issue such ~~duplicate~~
12 replacement warrant.

13 Sec. 3. Section 81-153, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-153 The materiel division shall have the power and
16 duty to:

17 (1) Purchase or contract for, in the name of the state,
18 the personal property required by the using agencies and the state;

19 (2) Promulgate, apply, and enforce standard
20 specifications established as provided in section 81-154;

21 (3) Sell and dispose of personal property that is not
22 needed by the state or its using agencies as provided in section
23 81-161.04 or initiate trade-ins when determined to be in the best
24 interest of the state;

25 (4) Determine the utility, quality, fitness, and

1 suitability of all personal property tendered or furnished;

2 (5) Make rules and regulations consistent with sections
3 81-145 to 81-171 and 81-1118 to 81-1118.06 to carry into effect the
4 provisions thereof. Such rules and regulations shall include
5 provisions for modifying and terminating purchase contracts and the
6 cost principles to be used in such modification or termination;

7 (6) Employ such clerical, technical, and other assistants
8 as may be necessary to properly administer such sections, fix their
9 compensation, and prescribe their duties in connection therewith,
10 subject to existing laws and appropriations;

11 (7) Allow the purchase of ~~items~~ personal property without
12 competitive bidding when the price has been established by the
13 federal General Services Administration or to allow the purchase of
14 ~~items~~ personal property by participation in a contract competitively
15 bid by another state or group of states, a group of states and any
16 political subdivision of any other state, or a cooperative purchasing
17 organization on behalf of a group of states. The division may also
18 give consideration to a sheltered workshop pursuant to section
19 48-1503 in making such purchases;

20 (8) Enter into any personal property lease agreement when
21 it appears to be in the best interest of the state; and

22 (9) Negotiate purchases and contracts when conditions
23 exist to defeat the purpose and principles of public competitive
24 bidding.

25 Sec. 4. Section 81-181, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 81-181 (1) Not later than ~~December~~ September 15 of each
3 even-numbered year, each agency shall submit to the Governor, in the
4 form prescribed by him or her, a report of its proposed building
5 renewal projects for the next ~~fiscal year.~~ biennium. Such report
6 shall contain the information specified in section 81-177 and shall
7 constitute a request for the allocation of funds from the Building
8 Renewal Allocation Fund. Such report shall also constitute, as
9 applicable, a request for the allocation of funds from the State
10 Building Renewal Assessment Fund, University Building Renewal
11 Assessment Fund, or State College Building Renewal Assessment Fund.
12 The Governor shall, with the advice of the task force, allocate from
13 such funds the sum necessary for the accomplishment of projects
14 approved by him or her. Allocations from the Building Renewal
15 Allocation Fund shall be made in a manner that assures accomplishment
16 of Class I projects first, followed by accomplishment of Class II
17 projects, and then accomplishment of Class III projects, unless doing
18 so in a particular case would violate sound building renewal policies
19 and practices. The amount of such allocation shall not be transferred
20 to the agency but shall remain within, as applicable, the Building
21 Renewal Allocation Fund, State Building Renewal Assessment Fund,
22 University Building Renewal Assessment Fund, or State College
23 Building Renewal Assessment Fund subject to the control of the
24 Governor until disbursed consistent with the provisions of the
25 Deferred Building Renewal Act.

1 (2) The University of Nebraska and the state colleges may
2 include in their reports under subsection (1) of this section their
3 proposed building renovation projects that have received approval of
4 the Coordinating Commission for Postsecondary Education, if required
5 pursuant to section 85-1414, for the coming ~~fiscal year~~ biennium as
6 authorized by section 81-188.03 or 81-188.05, as applicable, which
7 shall constitute requests for allocation of funds for such proposed
8 projects from the University Building Renewal Assessment Fund or the
9 State College Building Renewal Assessment Fund, as applicable. The
10 Governor, with the advice of the task force, shall allocate from the
11 University Building Renewal Assessment Fund or the State College
12 Building Renewal Assessment Fund, as applicable, the sum necessary
13 for the accomplishment of the renovation projects approved by him or
14 her. Such allocations shall not be transferred to the University of
15 Nebraska or the state college or colleges making the request but
16 shall remain in the University Building Renewal Assessment Fund or
17 the State College Building Renewal Assessment Fund, as applicable,
18 subject to the control of the Governor until disbursed pursuant to
19 the Deferred Building Renewal Act.

20 Sec. 5. Section 81-1018, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 81-1018 (1) The Legislature hereby declares that the
23 purpose and intent of this section are to take positive steps to
24 reduce the consumption of gasoline in this state and to make the most
25 efficient and economical use of the nation's resources and the

1 state's funds.

2 (2) After August 24, 1975, all state-owned vehicles that
3 are passenger cars purchased, leased, rented, or approved for
4 purchase, lease, or rent by the bureau shall be of the intermediate,
5 compact, or subcompact class. Not less than fifty percent of such
6 state-owned vehicles shall be of the compact or subcompact class
7 unless the costs to operate and maintain such vehicles are not to the
8 advantage of the state or such requirement fails to meet the intent
9 of sections 81-1008 to 81-1025. For purposes of this section, classes
10 shall be as defined by motor vehicle manufacturers.

11 Sec. 6. Original sections 77-2215, 81-153, and 81-181,
12 Reissue Revised Statutes of Nebraska, and sections 73-507 and
13 81-1018, Revised Statutes Cumulative Supplement, 2012, are repealed.