

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1064

Introduced by Arch, 14.

Read first time January 18, 2022

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to state government; to amend sections 81-153
- 2 and 81-1120, Reissue Revised Statutes of Nebraska; to change powers
- 3 and duties of the materiel division and provisions relating to the
- 4 Materiel Division Revolving Fund; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-153, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-153 The materiel division shall have the power and duty to:

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

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

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

11 (4) Determine the utility, quality, fitness, and suitability of all
12 personal property tendered or furnished;

13 (5) Make rules and regulations consistent with sections 81-145 to
14 81-171 and 81-1118 to 81-1118.06 to carry into effect the provisions
15 thereof. Such rules and regulations shall include provisions for
16 modifying and terminating purchase contracts and the cost principles to
17 be used in such modification or termination;

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

22 (7) Allow the purchase of personal property without competitive
23 bidding when the price has been established by the federal General
24 Services Administration or to allow the purchase of personal property by
25 participation in a contract competitively bid by another state or group
26 of states, a group of states and any political subdivision of any other
27 state, or a cooperative purchasing organization on behalf of a group of
28 states. The division may also give consideration to a sheltered workshop
29 pursuant to section 48-1503 in making such purchases;

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

1 (9) Negotiate purchases and contracts when conditions exist to
2 defeat the purpose and principles of public competitive bidding; and -
3 (10) Obtain an electronic procurement system, which shall be funded
4 or paid for by providing the system provider with, as determined by the
5 materiel administrator, a percentage or portion of identified
6 transactions. Such percentage or portion may be collected by the system
7 provider from contractors and bidders.

8 Sec. 2. Section 81-1120, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 81-1120 (1) There is hereby created the Materiel Division Revolving
11 Fund. The fund shall be administered by the materiel division of the
12 Department of Administrative Services. The fund shall consist of (a) fees
13 paid for printing, copying, central supply, and mailing services provided
14 to state agencies and local subdivisions by the division, ~~and~~ (b)
15 assessments charged by the materiel administrator to state agencies,
16 boards, and commissions for purchasing services provided by the division,
17 and (c) any money collected pursuant to subdivision (10) of section
18 81-153. Such assessments shall be adequate to cover actual and necessary
19 expenses that are associated with providing the service and not otherwise
20 covered by the money collected pursuant to subdivision (10) of section
21 81-153. The fund shall be used to pay for expenses incurred by the
22 division to provide such services.

23 (2) State agencies, boards, and commissions shall make the materiel
24 division assessment payments to the fund no later than August 1 of each
25 year, or in four equal payments to be made no later than August 1,
26 October 1, February 1, and April 1 of each year, at the discretion of the
27 materiel administrator.

28 (3) Any money in the fund available for investment shall be invested
29 by the state investment officer pursuant to the Nebraska Capital
30 Expansion Act and the Nebraska State Funds Investment Act.

31 Sec. 3. Original sections 81-153 and 81-1120, Reissue Revised

1 Statutes of Nebraska, are repealed.