

LEGISLATIVE BILL 96

Approved by the Governor March 28, 2001

Introduced by Schimek, 27

AN ACT relating to state government; to amend sections 81-1317 and 81-1317.01, Reissue Revised Statutes of Nebraska, and section 81-153, Revised Statutes Supplement, 2000; to authorize certain out-of-state purchases and interfund borrowing; to eliminate a provision relating to interfund borrowing; to change provisions relating to employment; to provide operative dates; to repeal the original sections; to outright repeal section 81-1108.05, Revised Statutes Supplement, 2000; and to declare an emergency.

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

Section 1. Section 81-153, Revised Statutes Supplement, 2000, is amended to read:

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

- (1) Purchase or contract for, in the name of the state, the personal property required by the using agencies and the state;
- (2) Promulgate, apply, and enforce standard specifications established as provided in section 81-154;
- (3) Sell and dispose of personal property that is not needed by the state or its using agencies as provided in section 81-161.04 or initiate trade-ins when determined to be in the best interest of the state;
- (4) Determine the utility, quality, fitness, and suitability of all personal property tendered or furnished;
- (5) Make rules and regulations consistent with sections 81-145 to 81-171 and 81-1118 to 81-1118.06 to carry into effect the provisions thereof. Such rules and regulations shall include provisions for modifying and terminating purchase contracts and the cost principles to be used in such modification or termination;
- (6) Employ such clerical, technical, and other assistants as may be necessary to properly administer such sections, fix their compensation, and prescribe their duties in connection therewith, subject to existing laws and appropriations;
- (7) Allow the purchase of items without competitive bidding when the price has been established by the federal General Services Administration or to allow the purchase of items by participation in a contract competitively bid by another state or group of states. The division may also give consideration to a sheltered workshop pursuant to section 48-1503 in making such purchases;
- (8) Enter into any personal property lease agreement when it appears to be in the best interest of the state; and
- (9) Negotiate purchases and contracts when conditions exist to defeat the purpose and principles of public competitive bidding.

Sec. 2. (1) The Director of Administrative Services may initiate interfund borrowing among the various revolving funds within the Department of Administrative Services, except that at no time shall the aggregate advances from all lending funds exceed five hundred thousand dollars.

(2) The director shall report to the budget administrator of the budget division of the department and the Legislative Fiscal Analyst:

(a) The amount of each interfund loan processed or repaid and the date of the transaction; and

(b) An explanation of each interfund loan transaction.

(3) By July 15 each year, the director shall report to the budget administrator and the Legislative Fiscal Analyst the:

(a) Outstanding aggregate balances advanced from the respective revolving funds within the department as of the preceding June 30; and

(b) Outstanding aggregate balances borrowed by each fund from the respective revolving funds within the department as of the preceding June 30.

Sec. 3. Section 81-1317, Reissue Revised Statutes of Nebraska, is amended to read:

81-1317. Except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act and except for the pay increases provided by the Legislature, the Director of Personnel shall have authority to establish programs and otherwise adjust terms and conditions of employment ~~for FY1999-00 and FY2000-01~~ for employees not covered by collective-bargaining agreements, including terms and conditions of employment which may not be specifically provided or may otherwise be provided by law, in

order to make such terms and conditions of employment more consistent with those of such covered employees or otherwise address changes arising out of collective bargaining, but in no event shall the adjustment exceed the benefits derived from collective bargaining.

Sec. 4. Section 81-1317.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-1317.01. Except for employees of the University of Nebraska and the state colleges and except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act, terms and conditions of employment which may otherwise be provided by law for employees not covered under the State Personnel System may be adjusted by the employer-representative as defined in section 81-1371 ~~for FY1999-00 and FY2000-01~~ to address changes arising out of collective bargaining, but in no event shall the adjustment exceed the benefits derived from collective bargaining.

Sec. 5. Sections 2 to 4, 6, and 8 of this act become operative on July 1, 2001. The other sections of this act become operative on their effective date.

Sec. 6. Original sections 81-1317 and 81-1317.01, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. Original section 81-153, Revised Statutes Supplement, 2000, is repealed.

Sec. 8. The following section is outright repealed: Section 81-1108.05, Revised Statutes Supplement, 2000.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.