

SENATE BILL NO. 139—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF PURCHASING DIVISION)

FEBRUARY 8, 1999

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to transfer and sale of surplus property of state agencies.
(BDR 27-433)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to state property; authorizing the chief of the purchasing division of the department of administration to transfer, upon request, any surplus supplies, materials or equipment of a state agency to another state agency without cost to the requesting state agency; authorizing the chief of the purchasing division to sell surplus supplies, materials or equipment of state agencies under certain circumstances; extending the authority of a board of county commissioners to make charitable grants to include certain property; authorizing the governing body of a city to make charitable grants of money or certain property to certain nonprofit organizations; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 333 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. The chief may donate commodities, supplies, materials and***
4 ***equipment that he determines have reached the end of their useful lives***
5 ***to any organization described in NRS 372.3261.***
6 ***2. If the chief donates such commodities to a tax-supported or***
7 ***nonprofit school or other health or educational institution pursuant to***
8 ***subsection 1, the provisions of subsection 2 of NRS 333.124 do not apply.***
9 **Sec. 2.** NRS 333.124 is hereby amended to read as follows:
10 333.124 1. The donated commodities account is hereby created in the
11 state general fund for the use of the chief in acquiring commodities donated

1 by the Federal Government and its agencies and to purchase and distribute
2 nutritious food in accordance with NRS 333.225.

3 2. ~~[[~~ ***Except as otherwise provided in section 1 of this act, if*** a tax-
4 supported or nonprofit school or other health or educational institution
5 receives a donated commodity secured through the purchasing division, the
6 chief shall charge the school or institution a fee in an amount sufficient to
7 repay part or all of the cost of transportation and other costs incurred in
8 acquiring the commodity.

9 3. All money received by the chief pursuant to this section must be
10 deposited in the state treasury for credit to the donated commodities
11 account. The interest and income earned on the money in the account must
12 be credited to the account.

13 4. Costs of freight, storage, handling charges and other administrative
14 expenses, including compensation of purchasing division personnel,
15 incidental to the acquisition of the donated commodities and the
16 administration of the supplemental food program may be paid from the
17 donated commodities account.

18 **Sec. 3.** NRS 334.040 is hereby amended to read as follows:

19 334.040 1. The ~~[products or any article of any state institution not~~
20 ~~required for its own consumption or use may be sold by the official in~~
21 ~~charge of such institution at its reasonable market value, and the proceeds~~
22 ~~of such sale shall be deposited in the fund or appropriation for the support~~
23 ~~of such institution and not in the general fund.~~

24 ~~—2.— If any state institution disposes of any of its products or any article~~
25 ~~not required by it to any other state institution, the state institution selling~~
26 ~~the same shall present a claim for the agreed sale price against the~~
27 ~~institution purchasing the same, which shall be certified by the proper~~
28 ~~officer of the purchasing institution. After approval by the state board of~~
29 ~~examiners, the state controller shall draw his warrant in favor of the fund or~~
30 ~~appropriation for the support of the selling institution, and the official in~~
31 ~~charge of the selling institution is authorized to receipt for the warrant.~~
32 ~~Upon its presentation the state treasurer shall transfer the amount of the~~
33 ~~warrant to such fund or appropriation and not to the general fund.]~~ ***chief of***
34 ***the purchasing division of the department of administration may, upon***
35 ***the request of a state agency, transfer any surplus supplies, materials or***
36 ***equipment of another state agency to the requesting state agency without***
37 ***cost to the requesting state agency.***

38 2. ***The chief of the purchasing division may sell any surplus supplies,***
39 ***materials or equipment which is not transferred to a state agency***
40 ***pursuant to the provisions of subsection 1. Unless otherwise authorized***
41 ***by the director of the department of administration, the proceeds of the***
42 ***sale must be deposited in the fund from which the money to purchase the***
43 ***supplies, materials or equipment was expended.***

Sec. 4. NRS 244.1505 is hereby amended to read as follows:

244.1505 1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. The board may grant all or part of the money to a ~~private organization, not for profit,~~ *nonprofit organization created for religious, charitable or educational purposes* to be expended for the selected purpose.

2. *A board of county commissioners or its authorized representative may donate:*

(a) *Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and*

(b) *Stolen or embezzled property for which the county treasurer has obtained an order authorizing him to donate the property pursuant to subsection 6 of NRS 179.165, to a nonprofit organization created for religious, charitable or educational purposes.*

3. A grant *or donation* to a ~~private~~ *nonprofit* organization *created for religious, charitable or educational purposes* must be made by resolution. ~~which~~ *The resolution* must specify:

(a) The purpose of the grant ~~;~~

~~(b) The~~ *or donation;*

(b) *If applicable, the* maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon ~~its expenditure.~~ *the expenditure of the grant or the use of the donated property.*

4. *As used in this section:*

(a) *“Authorized representative” has the meaning ascribed to it in NRS 332.025.*

(b) *“Nonprofit organization created for religious, charitable or educational purposes” means an organization that meets the requirements set forth in NRS 372.3261.*

Sec. 5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The governing body of a city may expend money for any purpose that will provide a substantial benefit to the inhabitants of the city. The governing body may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose.*

2. *The governing body of a city or its authorized representative may donate commodities, supplies, materials and equipment that the governing body determines have reached the end of their useful lives to a nonprofit organization created for religious, charitable or educational purposes.*

- 1 **3. A grant or donation to a nonprofit organization created for**
2 **religious, charitable or educational purposes must be made by resolution.**
3 **The resolution must specify:**
4 **(a) The purpose of the grant or donation;**
5 **(b) If applicable, the maximum amount to be expended from the**
6 **grant; and**
7 **(c) Any conditions or other limitations on the expenditure of the grant**
8 **or the use of the donated property.**
9 **4. As used in this section:**
10 **(a) “Authorized representative” has the meaning ascribed to it in NRS**
11 **332.025.**
12 **(b) “Nonprofit organization created for religious, charitable or**
13 **educational purposes” means an organization that meets the**
14 **requirements set forth in NRS 372.3261.**
15 **Sec. 6.** This act becomes effective upon passage and approval.