

Introduced by

Representative Schatz

1 A BILL for an Act to amend and reenact section 54-44-04.6 of the North Dakota Century Code,
2 relating to state surplus property and disposition of property.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-44-04.6 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-44-04.6. State surplus property - Department heads to inform director - Disposition**
7 **of property - Proceeds - Exchange of property.**

8 1. The person in charge of any department, agency, or institution of the state shall inform
9 the director of the office of management and budget or the director's designee
10 whenever that department, agency, or institution possesses property surplus to its
11 needs, whether originally obtained with state or other funds.

12 2. Political subdivisions may provide their surplus property to the office of management
13 and budget for disposition according to subsections 3, 4, and ~~5~~6.

14 3. Surplus property must be transferred at fair market value to state agencies, political
15 subdivisions, and nonprofit organizations eligible to receive federal surplus property
16 under the Federal Property Administrative Services Act of 1949, as amended. Eligible
17 organizations must be notified of the availability of property on a regular basis.

18 4. If not disposed of under subsection 3, then by sale on sealed bids or at public auction
19 to the highest and best bidder for property valued at more than three thousand dollars,
20 with no money deposit required prior to sale, or by sealed bids, public auction, or
21 negotiation at fair value for property valued at less than three thousand dollars. The
22 office of management and budget may establish a program for the recycling and
23 disposal of surplus property determined to be unsalable and may assess and collect

1 service charges from the department, agency, institution, or political subdivision from
2 which the property was received to cover direct and reasonable costs of this service.

3 5. At each public auction held by the department of transportation in accordance with
4 subsection 4, the department shall collect a fee of fifty dollars from a nonresident for
5 each state fleet vehicle purchased by the nonresident.

6 6. All proceeds received from the transfer, sale, recycling, or disposal of surplus property
7 must be deposited with the state treasurer for deposit in the surplus property operating
8 fund. For each piece of property sold for less than three thousand dollars, all proceeds
9 must be retained in the surplus property operating fund unless the office of
10 management and budget determines the sale proceeds are subject to special
11 requirements for distribution. For each piece of property sold for three thousand
12 dollars or more, the office of management and budget shall transfer to the agency
13 from which the property was received an amount equal to the proceeds of the sale
14 less the administrative expenses of the sale. The agency shall deposit the proceeds
15 into the fund from which the property was originally purchased. At the end of each
16 biennium, the office of management and budget shall transfer all funds in the surplus
17 property operating fund that exceed the amount needed for operating the surplus
18 property function for one year to the general fund.