



February 9, 2001

HOUSE BILL No. 1916

DIGEST OF HB 1916 (Updated February 7, 2001 5:59 PM - DI 73)

Citations Affected: IC 5-22.

Synopsis: State surplus property. Provides that surplus state property must be made available to political subdivisions on the same basis that surplus federal property is made available to state and local governments.

Effective: July 1, 2001.

Frenz, Thompson, Leuck

January 17, 2001, read first time and referred to Committee on Ways and Means.
February 8, 2001, reported — Do Pass.

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HB 1916—LS 7528/DI 75+



February 9, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 1916

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-22-21-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. The commissioner
3 shall adopt a procedure requiring the following:
4 (1) Each state agency shall notify the department of surplus
5 property.
6 (2) The department shall inspect the surplus property and
7 determine if the property is usable by other state agencies.
8 (3) A state agency that requests the purchase of:
9 (A) new property; or
10 (B) material to be used for rehabilitation programs;
11 shall accept by transfer or purchase surplus property that is usable
12 by a state agency instead of purchasing new property or materials.
13 (4) Property that is not usable by other state agencies may be:
14 (A) ~~sold~~ **made available to political subdivisions** under
15 section 7 or ~~7.5~~ **7.6** of this chapter; ~~or~~
16 (B) **sold under** IC 5-22-22;
17 (C) demolished, discarded, ~~donated under section 7.6 of this~~

HB 1916—LS 7528/DI 75+



1 ~~chapter~~, or junked if the property has no market value; or
 2 ~~(C)~~ **(D)** disposed of if the property can be recycled in
 3 conjunction with a program administered by the department to
 4 promote recycling of property, the components of property, or
 5 the materials of property.

6 SECTION 2. IC 5-22-21-7 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) Except as
 8 provided in section ~~7.5~~ **7.6** of this chapter, **available** surplus property
 9 **available for sale** shall first be offered for **sale to acquisition by** all
 10 political subdivisions. If the property is in the possession of the Indiana
 11 department of transportation, the commissioner shall notify each
 12 supervisor of county highways appointed under IC 8-17-3-1 of the ~~sale~~
 13 **opportunity to acquire the property.**

14 (b) Notice of the ~~sale disposition~~ shall be mailed or provided by
 15 another means at least fifteen (15) days before the date of the ~~sale~~
 16 **disposition** to each county auditor and to each political subdivision that
 17 has previously requested notice ~~of the sale~~ from the commissioner.
 18 Information regarding the ~~sale disposition~~ shall also be made available
 19 at any time before the ~~sale disposition~~ to political subdivisions upon
 20 request.

21 ~~(c) A political subdivision that wants to purchase the property must~~
 22 ~~deliver a sealed bid to the commissioner before the date of the sale to~~
 23 ~~political subdivisions.~~

24 ~~(d) The department shall sell the surplus property to the highest~~
 25 ~~responsible governmental bidder whose bid equals or exceeds the~~
 26 ~~market price determined by the commissioner.~~

27 ~~(e) The department shall deliver possession of the surplus property~~
 28 ~~to the governmental bidder after the bidder approves a claim for~~
 29 ~~payment submitted by the department.~~

30 **(c) Surplus property shall be made available to political**
 31 **subdivisions under the same terms as federal surplus property is**
 32 **made available to political subdivisions under IC 4-13-1.7.**

33 SECTION 3. IC 5-22-21-7.6 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7.6. (a) This section
 35 applies to surplus computer hardware that is

36 ~~(1) not usable by a state agency as determined under section 6 of~~
 37 ~~this chapter. and~~

38 ~~(2) not sold to an educational entity or political subdivision after~~
 39 ~~being offered for sale.~~

40 (b) The department may donate the surplus computer hardware to
 41 an educational entity or a school corporation (as defined by
 42 IC 36-1-2-17) or nonpublic schools (as defined in IC 20-10.1-1-3).



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1 SECTION 4. IC 5-22-21-8 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. If a political
 3 subdivision does not ~~purchase~~ **acquire** surplus property under section
 4 7 of this chapter, the surplus property shall be sold under IC 5-22-22.

5 SECTION 5. IC 5-22-21-9 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. A sale of property
 7 ~~under this chapter or~~ under IC 5-22-22 must be made for cash.

8 SECTION 6. IC 5-22-21-10 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) The proceeds of
 10 a sale ~~under this chapter or~~ under IC 5-22-22 shall be deposited in the
 11 state treasury and credited to the fund from which the property was
 12 purchased.

13 (b) The proceeds are subject to allotment by the budget agency with
 14 the approval of the governor.

15 SECTION 7. IC 5-22-21-11 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. The commissioner
 17 may prohibit any of the following from bidding on property sold under
 18 ~~this chapter or~~ IC 5-22-22 when a state employee has participated in
 19 the disposal process of the state agency that has possession of the
 20 property:

- 21 (1) The state employee.
 22 (2) The spouse of the state employee.
 23 (3) An unemancipated child of the state employee.
 24 (4) An agent of any of the individuals described in subdivisions
 25 (1) through (3).

26 SECTION 8. IC 5-22-22-8 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) If the property is
 28 worthless, it may be demolished or junked.

29 (b) For purposes of this section and ~~IC 5-22-21-6(4)(B);~~
 30 **IC 5-22-21-6(4)(C)**, property may be considered worthless or of no
 31 market value if the value of the property is less than the estimated costs
 32 of the sale and transportation of the property.

33 SECTION 9. IC 5-22-21-7.5 IS REPEALED [EFFECTIVE JULY
 34 1, 2001].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1916, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BAUER, Chair

Committee Vote: yeas 24, nays 0.

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