

Sub. H. B. No. 96
As Passed by the Senate
DASCD27

_____ moved to amend as follows:

After line 11924, insert:

"Sec. 125.13. (A) As used in this section:

(1) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

(2) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.

(B) Whenever a state agency has excess or surplus supplies, it shall notify the director of administrative services. On forms provided by the director, the state agency shall furnish to the director a list of its excess and surplus supplies, including the location of the supplies and whether the supplies are currently in the agency's control.

(C) Upon receipt of notification and at no cost to the state agency, the director of administrative services shall make arrangements for their disposition and shall take immediate control of a state agency's excess and surplus supplies, except for the following excess and surplus supplies:

- (1) Excess or surplus supplies that have a value below the minimum value that the director establishes for excess and surplus supplies under division (F) of this section;
- (2) Excess or surplus supplies that the director has authorized an agency to donate to a governmental agency, including, but not limited to, public schools and surplus computers and computer equipment transferred to a public school under division (G) of this section;
- (3) Excess or surplus supplies that an agency trades in as full or partial payment when purchasing a replacement item;
- (4) Hazardous property;
- (5) Excess or surplus supplies that the director has authorized to be part of an interagency transfer;
- (6) Excess or surplus supplies that are donated under division (H) of this section.
- (D) The director shall inventory excess and surplus supplies in the director's control and post on a public web site a list of the supplies available for acquisition. The director may have the supplies repaired. The director shall not charge a fee for the collection or transportation of excess and surplus supplies.
- (E) The director may do any of the following:
- (1) Dispose of declared surplus or excess supplies in the director's control by sale, lease, donation, or transfer. If the director does so, the director shall dispose of those supplies in any of the following manners:
- (a) To state agencies or by interagency trade;

(b) To state-supported or state-assisted institutions of higher education;

(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state, private fire companies, or private, nonprofit emergency medical service organizations;

(d) To nonpublic elementary and secondary schools chartered by the department of education and workforce under section 3301.16 of the Revised Code;

(e) To a nonprofit organization that is both exempt from federal income taxation under 26 U.S.C. 501(a) and (c) (3) and that ~~receives funds from the state or has a contract~~ is registered and in good standing with the secretary of state as a domestic nonprofit or not-for-profit corporation;

(f) To the general public by auction, sealed bid, sale, or negotiation.

(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E) (1) (a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c) (3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division.

(F) The director may adopt rules governing the sale, 74
lease, or transfer of surplus and excess supplies in the 75
director's control by public auction, sealed bid, sale, or 76
negotiation, except that no employee of the disposing agency 77
shall be allowed to purchase, lease, or receive any such 78
supplies. The director may dispose of declared surplus or excess 79
supplies, including motor vehicles, in the director's control as 80
the director determines proper if such supplies cannot be 81
disposed of pursuant to division (E) of this section. The 82
director shall by rule establish a minimum value for excess and 83
surplus supplies and prescribe procedures for a state agency to 84
follow in disposing of excess and surplus supplies in its 85
control that have a value below the minimum value established by 86
the director. 87

(G) The director of administrative services may authorize 88
any state agency to transfer surplus computers and computer 89
equipment that are not needed by other state agencies directly 90
to an accredited public school within the state. The computers 91
and computer equipment may be repaired or refurbished prior to 92
transfer. The state agency may charge a service fee to the 93
public schools for the property not to exceed the direct cost of 94
repairing or refurbishing it. The state agency shall deposit 95
such funds into the account used for repair or refurbishment. 96

(H) Excess and surplus supplies of food shall be exempt 97
from this section and may be donated directly to nonprofit food 98
pantries and institutions without notification to the director 99
of administrative services." 100

Update the title, amend, enact, or repeal clauses accordingly 101

The motion was _____ agreed to.

SYNOPSIS

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State surplus supplies and nonprofit corporations

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R.C. 125.13

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Reinstates the Executive version provision, which was
retained by the House, and which revises the authority of the
DAS Director to dispose of surplus or excess supplies in the
Director's control by removing the requirement that a nonprofit
entity receives funds from the state or has a contract, and
instead requires the entity to be registered and in good
standing with the SOS as a domestic nonprofit or not-for-profit
corporation.

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