IC 5-22-21

Chapter 21. Disposition of State Surplus Personal Property

IC 5-22-21-1

Applicability of chapter

Sec. 1. (a) This chapter applies only to personal property owned by a governmental body that is a state agency.

(b) This chapter does not apply to the following:

(1) The sale of timber by the department of natural resources under IC 14-23-4.

(2) The satisfaction of a lien or judgment by a state agency under court proceedings.

(3) The disposition of unclaimed property under IC 32-34-1.

(4) The sale or harvesting of vegetation (as defined in IC 8-23-24.5-3) under IC 8-23-24.5.

(5) The sale or harvesting of vegetation (as defined in IC 4-20.5-22-4) under IC 4-20.5-22.

As added by P.L.49-1997, SEC.1. Amended by P.L.2-2002, SEC.34; P.L.182-2009(ss), SEC.79.

IC 5-22-21-2

"Commissioner" defined

Sec. 2. As used in this chapter, "commissioner" refers to the commissioner of the department.

As added by P.L.49-1997, SEC.1.

IC 5-22-21-3

"Department" defined

Sec. 3. As used in this chapter, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

As added by P.L.49-1997, SEC.1.

IC 5-22-21-4

"Surplus property" defined

Sec. 4. As used in this chapter, "surplus property" means property that is not usable by a state agency as determined under this chapter.

As added by P.L.49-1997, SEC.1.

IC 5-22-21-5

Sales of property; requirements

Sec. 5. Subject to IC 8-23-7 and this chapter, all sales of property belonging to a state agency, other than property on which allowance is made on another purchase with the written approval of the commissioner, shall be:

(1) conducted by the commissioner;

(2) based on competitive bids; and

(3) made to the highest responsible bidder.

As added by P.L.49-1997, SEC.1.

IC 5-22-21-6

Commissioner to adopt procedures

Sec. 6. The commissioner shall adopt a procedure requiring the following:

(1) Each state agency shall notify the department of surplus property.

(2) The department shall inspect the surplus property and determine if the property is usable by other state agencies.

(3) A state agency that requests the purchase of:

(A) new property; or

(B) material to be used for rehabilitation programs;

shall accept by transfer or purchase surplus property that is usable by a state agency instead of purchasing new property or materials.

(4) Property that is not usable by other state agencies may be:

(A) sold under section 7 or 7.5 of this chapter or IC 5-22-22;

(B) demolished, discarded, donated under section 7.6 of this chapter, or junked if the property has no market value; or

(C) disposed of if the property can be recycled in conjunction with a program administered by the department to promote recycling of property, the components of property, or the materials of property.

As added by P.L.49-1997, SEC.1.

IC 5-22-21-7

Sales to political subdivisions

Sec. 7. Except as provided in section 7.5 of this chapter, surplus property available for sale may, under the policies prescribed by the budget agency, be offered for sale to political subdivisions. The policies of the budget agency must require that if the property is in the possession of the Indiana department of transportation and is to be offered to political subdivisions, the commissioner shall notify each supervisor of county highways appointed under IC 8-17-3-1 of the sale.

As added by P.L.49-1997, SEC.1. Amended by P.L.49-2002, SEC.1; P.L.246-2005, SEC.55.

IC 5-22-21-7.5

Surplus computer hardware; offer to educational entities

Sec. 7.5. (a) This section applies to surplus computer hardware that:

(1) is not usable by a state agency as determined under section 6 of this chapter; and

(2) has market value.

(b) As used in this section, "educational entity" refers to a school corporation as defined in IC 36-1-2-17 or nonpublic schools as defined in IC 20-10.1-1-3 before July 1, 2005, or IC 20-18-2-12.

(c) As used in this section, "market value" means the value of the

property is more than the estimated costs of sale and transportation of the property.

(d) Surplus computer hardware available for sale may, under the policies prescribed by the budget agency, be offered to an educational entity.

As added by P.L.49-1997, SEC.1. Amended by P.L.1-2005, SEC.84; P.L.246-2005, SEC.56; P.L.246-2005, SEC.57; P.L.1-2006, SEC.124; P.L.133-2012, SEC.42.

IC 5-22-21-7.6

Donation of surplus computer hardware to educational entities

Sec. 7.6. (a) This section applies to surplus computer hardware that is:

(1) not usable by a state agency as determined under section 6 of this chapter; and

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

(b) The department may donate the surplus computer hardware to an educational entity or a school corporation (as defined by IC 36-1-2-17) or nonpublic schools (as defined in IC 20-18-2-12).

As added by P.L.49-1997, SEC.1. Amended by P.L.1-2005, SEC.85.

IC 5-22-21-8

Sale when property not purchased by political subdivision

Sec. 8. If a political subdivision does not purchase surplus property under section 7 of this chapter, the surplus property shall be sold under IC 5-22-22.

As added by P.L.49-1997, SEC.1.

IC 5-22-21-9

Sales made for cash only

Sec. 9. A sale of property under this chapter or under IC 5-22-22 must be made for cash.

As added by P.L.49-1997, SEC.1.

IC 5-22-21-10

Proceeds of sales

Sec. 10. (a) The proceeds of a sale under this chapter or under IC 5-22-22 shall be deposited in the state treasury and credited to the fund from which the property was purchased.

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

As added by P.L.49-1997, SEC.1.

IC 5-22-21-11

Persons prohibited from bidding

Sec. 11. The commissioner may prohibit any of the following from bidding on property sold under this chapter or IC 5-22-22 when

a state employee has participated in the disposal process of the state agency that has possession of the property:

(1) The state employee.

(2) The spouse of the state employee.

(3) An unemancipated child of the state employee.

(4) An agent of any of the individuals described in subdivisions (1) through (3).

As added by P.L.49-1997, SEC.1.