

LAWS OF DELAWARE  
VOLUME 85  
CHAPTER 195  
153rd GENERAL ASSEMBLY  
FORMERLY  
SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 62

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DISPOSAL OF STATE-OWNED PROPERTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 7001, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 7001. Definitions.

For purposes of this chapter:

(a) ~~As used in this chapter, “agency”~~ (1) “Agency” includes every board, department, bureau, commission, ~~person or person, group of persons persons,~~ or other authority ~~created and now existing or hereafter to be created to execute, supervise, control and/or administer~~ to which any of the following apply:

a. Executes, supervises, controls, or administers governmental functions under the laws of this State or ~~to perform performs~~ such other duties as may be ~~prescribed or to whom prescribed.~~

b. Receives any moneys are appropriated funds under any budget appropriation act or supplemental appropriation act or any other act which authorizes and requires any department to collect ~~and/or or~~ use any taxes, fees, licenses, permits permits, or other receipts for services or ~~otherwise~~ for the performance of any function ~~of or of,~~ related ~~to to,~~ or supported in whole or in part by the laws of this State, ~~and/or created to administer~~ State.

c. Administers any laws providing for the collection of taxes, fees, permits, ~~licenses~~ licenses, or other forms of receipts from any ~~sources whatsoever source~~ for the use of the State or any agency of the this State.

(b) ~~As used in this chapter, the term “materiel” shall mean~~

(2) “Computer technology” means computers, computer equipment, or software.

(3) “Government Support Services” or “GSS” means the Government Support Services Section of the Office of Management and Budget.

(4)a. “Materiel” means materials, equipment, vehicles, tools, supplies supplies, and any other personal ~~property, but does not include property.~~

b. “Materiel” does not mean real property such as, but not limited to, property, such as land, ponds and ponds, or buildings.

(5) “School” means a public school or school district, including charter schools.

Section 2. Amend § 7002, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7002. ~~Public auction and/or disposal~~ Disposal of state-owned property.

(a)(1) All equipment, ~~supplies~~ supplies, and ~~materiel, including vehicles, materiel~~ purchased in whole or in part with state-appropriated funds ~~shall be considered as~~ are assets of the this State and are not assets of the state agency which holds or uses the ~~materiel. When materiel, except as provided under paragraph (a)(3) of this section.~~

(2) When an agency determines that materiel so held or used is determined by a state the agency to be is in excess of it’s needs, it shall be reported by memorandum to the Office of Management and Budget, Government Support Services Section the agency’s needs, the agency shall report this excess materiel to Government Support Services for appropriate reallocation or disposal.

(3) Except for vehicles, materiel that is being replaced in kind is not excess materiel under paragraph (a)(2) of this section and an agency, including a school, may enter into an agreement with a purchasing vendor to trade in this materiel on similar materiel or sell this materiel and credit the receipt as required under § 6102(c) of this title.

(b) ~~When~~ (1)a. Except as provided for vehicles under paragraph (b)(2) of this section and computer technology under paragraph (b)(3) of this section, when Government Support Services determines that the materiel, with the exception of vehicles and computer equipment, so materiel reported by the agency under paragraph (a)(2) of this section has additional useful life,

Government Support Services shall give 2 weeks' written notice to ~~State~~ agencies, volunteer ambulance services, volunteer rescue ~~services~~ services, and volunteer fire departments of the availability of ~~such~~ the materiel.

b. Requests for ~~such~~ materiel ~~shall~~ under paragraph (b)(1)a. of this section must be submitted in writing to Government Support Services. In the event 2 or more agencies request the same materiel, ~~the Section~~ GSS shall make the appropriate determination as to allocation.

(2)a. Vehicles can be made available to agencies at fair market value as determined by ~~the Section.~~ GSS. Vehicles not purchased by agencies may be made available, at fair market value as determined by ~~the Section,~~ GSS, to any private organization that is exempt from taxation under § 501(c) of the Federal Internal Revenue Code ~~[26 U.S.C. § 501(c)]~~ Code, 26 U.S.C. § 501(c), and whose headquarters is in ~~the~~ this State.

b. Requests for vehicles by ~~eligible private, nonprofit organizations, as defined herein, shall~~ organizations eligible under paragraph (b)(2)a. of this section, must be submitted in writing to Government Support Services.

~~Whenever any computers, computer equipment or software are deemed surplus, obsolete or no longer suitable for the purpose for which they were intended, Government Support Services~~

(3) If computer technology is not being replaced under paragraph (a)(3) of this section, GSS shall offer that computer technology to the Department of Education's Partners in Technology Group ~~those assets prior to before~~ disposal or disposition to any other group or agency. Upon acceptance, the Partners in Technology Group will pick up the computer ~~equipment~~ technology from the holding agency at no charge. Government Support Services shall dispose of the computer ~~equipment~~ technology refused by the Partners in Technology Group following the procedures ~~established in~~ under subsection (c) of this section.

(c) ~~In the event that no state agencies, volunteer ambulance services, volunteer rescue services or volunteer fire departments and in the case of vehicles, private, non-profit organizations, as defined in subsection (b) of this section request such~~  
(1) If no requests are received for materiel within the 2-week period, period under subsection (b) of this section, Government Support Services shall transfer the materiel to an appropriate storage area. The materiel can then be made available to other political subdivisions, nonprofit organizations, or the general public at reasonable cost as determined by ~~the Section.~~ The Section may arrange for public auction of such materiel when GSS.

(2) When the quantity or size of the materiel makes removal from the site of the disposing agency ~~unwarranted,~~ unwarranted or when it is in the best interest of ~~the State.~~ this State, GSS may arrange for public auction of the materiel under subsection (d) of this section or the sale of the materiel under subsection (f) of this section.

(c) The term "excess," as used in the section, shall not apply to used materiel which is being replaced in kind. In the event an agency determines to replace materiel, the agency may "trade in" such materiel on similar materiel with the exception of vehicles, or it may sell such materiel and credit the receipt in accordance with § 6102(c) of this title. [Transferred].

(f) Nothing in this section ~~shall interfere~~ interferes with the right of Government Support Services to transfer or sell ~~such~~ equipment within ~~the~~ this State to the groups ~~as provided for in subsection (e) in paragraph (c)(1) of this section at mutually agreed values prior to before~~ the public auction. The This transfer or sale shall be conducted for the agency by ~~the Office of Management and Budget, Government Support Services Section~~ upon written request of the agency.

Approved September 2, 2025