

P.L. 2023, CHAPTER 117, *approved July 20, 2023*
Senate, No. 3753

1 **AN ACT** designating the State Office of Emergency Management as
2 the State Agency for Surplus Property and supplementing Title
3 52 of the Revised Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. a. The State Office of Emergency Management in the
9 Division of State Police shall serve as the designated State Agency
10 for Surplus Property within the meaning of 40 U.S.C. s.549. The
11 State Office of Emergency Management shall continue to be
12 responsible for administering in the State the Federal Surplus
13 Personal Property Donation Program established under the “Federal
14 Property and Administrative Services Act of 1949,” as amended, 40
15 U.S.C. s.549, and applicable federal regulations pertaining to the
16 donation of personal property through State agencies under the
17 authority of the United States General Services Administration.

18 b. As the designated State Agency for Surplus Property, the
19 State Office of Emergency Management shall perform the following
20 duties:

21 (1) maintain a plan that meets the requirements of the Federal
22 Surplus Personal Property Donation Program as set forth in
23 applicable federal regulations;

24 (2) operate the Federal Surplus Personal Property Donation
25 Program within the State using a direct donation model that
26 authorizes an eligible entity, within the meaning of 40 U.S.C. s.549
27 and applicable federal regulations, to acquire property directly from
28 the federal government’s holding facility following the allocation of
29 the property to the State by the General Services Administration;

30 (3) issue guidance required to manage and facilitate the Federal
31 Surplus Personal Property Donation Program within the State in
32 conformance with federal law; and

33 (4) perform all necessary administrative services, including but
34 not limited to eligibility determinations and application review;
35 facilitating the acquisition process; conducting outreach; tracking
36 requests, fulfillment, and property utilization; compliance
37 enforcement, and performing monitoring and auditing as may be
38 required to give effect to the program within the State.

39 c. Any costs and fees in connection with the Federal Surplus
40 Personal Property Donation Program shall be governed by the
41 following:

1 (1) the State Office of Emergency Management shall not charge
2 any fees for performing these administrative services in its role as
3 the State Agency for Surplus Property;

4 (2) any costs incurred in the acquisition, transportation, or
5 delivery of the federal surplus property shall be the sole
6 responsibility of the eligible requesting entity; and

7 (3) any costs incurred for the confirmed instances of non-
8 compliance relative to property acquisition or the use of property
9 acquired pursuant to the program shall be the sole responsibility of
10 the eligible acquiring entity. This includes, but is not limited to
11 returning property to the federal government that the State Office of
12 Emergency Management, as the designated State Agency for
13 Surplus Property, the General Services Administration, or both
14 deem to have been acquired or used contrary to applicable program
15 regulations.

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17 2. This act shall take effect immediately.
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20 STATEMENT

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22 This bill expressly designates the State Office of Emergency
23 Management as the State Agency for Surplus Property. The bill also
24 provides that the State Office of Emergency Management is to
25 continue to be responsible for administering in the State the Federal
26 Surplus Personal Property Donation Program established under
27 federal law and regulations.

28 Under the bill, as the designated State agency, the State Office of
29 Emergency Management is to perform the following duties: 1)
30 maintain a plan that meets the requirements of the Federal Surplus
31 Personal Property Donation Program as set forth in applicable
32 regulations; 2) operate the Federal Surplus Personal Property
33 Donation Program within the State using a direct donation model
34 that authorizes an eligible entity to acquire property directly from
35 the federal government's holding facility following the allocation of
36 the property to the State by the General Services Administration; 3)
37 issue guidelines required to manage and facilitate the Federal
38 Surplus Personal Property Donation Program within the State in
39 conformance with federal law; and 4) perform all necessary
40 administrative services, including but not limited to eligibility
41 determinations and application review; facilitating the acquisition
42 process; conducting outreach; tracking requests, fulfillment, and
43 property utilization; compliance enforcement; and performing
44 monitoring and auditing as required to give effect to the program
45 within the State.

46 The bill also sets forth the responsibility for certain costs and
47 fees in connection with the Federal Surplus Personal Property
48 Donation Program.

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3 Designates State Office of Emergency Management as State
4 Agency for Surplus Property.