

## CHAPTER 117

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

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

C.52:17B-9.21 State Office of Emergency Management, designated State Agency for Surplus Property.

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

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

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

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

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

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

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

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

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

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

2. This act shall take effect immediately.

Approved July 20, 2023.