

# SENATE, No. 3753

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 30, 2023

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblywoman Reynolds-Jackson and Assemblyman Coughlin**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/2023)**

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.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
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:

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

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

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

10  
11 2. This act shall take effect immediately.

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14 STATEMENT

15  
16 This bill expressly designates the State Office of Emergency  
17 Management as the State Agency for Surplus Property. The bill also  
18 provides that the State Office of Emergency Management is to  
19 continue to be responsible for administering in the State the Federal  
20 Surplus Personal Property Donation Program established under  
21 federal law and regulations.

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

40 The bill also sets forth the responsibility for certain costs and  
41 fees in connection with the Federal Surplus Personal Property  
42 Donation Program.