

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas

As Engrossed: H3/26/09 H3/30/09

87th General Assembly

# A Bill

Regular Session, 2009

HOUSE BILL 2069

By: Representative Hyde

By: Senator T. Smith

## For An Act To Be Entitled

AN ACT TO TRANSFER THE ADMINISTRATION OF THE  
FEDERAL SURPLUS PROPERTY PROGRAM FROM THE  
DEPARTMENT OF WORKFORCE EDUCATION TO THE  
DEPARTMENT OF EMERGENCY MANAGEMENT; AND FOR OTHER  
PURPOSES.

## Subtitle

TO TRANSFER THE ADMINISTRATION OF THE  
FEDERAL SURPLUS PROPERTY PROGRAM FROM  
THE DEPARTMENT OF WORKFORCE EDUCATION TO  
THE DEPARTMENT OF EMERGENCY MANAGEMENT.

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

*SECTION 1. DO NOT CODIFY. (a) Effective July 1, 2009, the authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the Federal Surplus Property program operated under Pub. L. No. 81-152 and Pub. L. No. 81-754 shall be transferred as a type 2 transfer, under § 25-2-105 from the Arkansas Department of Workforce Education to the Arkansas Department of Emergency Management.*

*(b) For purposes of this act, the Arkansas Department of Emergency Management shall be considered a principal department established by Acts 1971, No. 38.*

*SECTION 2. Arkansas Code § 19-11-601 is amended to read as follows:*



1 19-11-601. Authority to transfer to state and local agencies.

2 (a) ~~The State Board of Education~~ Arkansas Department of Emergency  
3 Management is authorized to cooperate with the federal government in the  
4 transfer of government surplus property to any and all departments and  
5 agencies of state and local government and to any and all other agencies  
6 eligible to receive surplus property under Pub. L. No. 81-152 and Pub. L. No.  
7 81-754, and any and all other statutory laws that may be enacted by the  
8 Congress of the United States covering the disposal of federal government  
9 surplus property.

10 (b) ~~The state board~~ department is authorized to take any and all  
11 action necessary to the proper administration of the surplus property program  
12 in the acquisition of and the distribution of government surplus properties  
13 to eligible claimants in this state, distribution to be in accordance with  
14 the appropriate controlling federal statutes.

15 (c) ~~The state board~~ department is authorized to add to the cost of the  
16 properties an amount necessary to defray the expenses of this service.  
17

18 SECTION 3. Arkansas Code § 19-11-602 is amended to read as follows:

19 19-11-602. Purchase for schools and school districts.

20 (a) ~~The State Board of Education~~ Arkansas Department of Emergency  
21 Management is authorized to purchase surplus commodities, materials,  
22 supplies, equipment, and other property from the federal government through  
23 any of its agencies for tax-supported schools and for school districts in  
24 Arkansas. ~~The state board~~ department is authorized to cooperate with the  
25 State Procurement Director in the purchase of school items.

26 (b) Schools and school districts desiring to obtain federal surplus  
27 materials, equipment, etc., shall make application to the ~~state board~~  
28 department on blanks furnished by the board for that purpose.

29 (c) Schools and school districts making application to the ~~state board~~  
30 department to purchase surplus materials, equipment, and other property from  
31 the federal government shall pay cash for it by drawing a voucher or warrant  
32 in favor of the federal government for the purchase price of such materials.  
33

34 SECTION 4. Arkansas Code § 19-11-603 is amended to read as follows:

35 19-11-603 Service charge.

36 (a) ~~The State Board of Education~~ Arkansas Department of Emergency

1 Management is authorized to add to the cost of surplus properties secured by  
2 the agency for surplus property an amount necessary to defray the expense of  
3 this service and to repay into the Revolving Loan Fund loans made to the  
4 agency as provided in this section.

5 (b) The ~~state board~~ department is also authorized to establish service  
6 charges in such amounts as may be necessary to cover the expenses of the  
7 Department of Education in administering special federal service programs for  
8 schools and agencies. These charges are to be paid by the school,  
9 institution, or agency in the amount designated by the ~~state board~~  
10 department.

11 (c) The ~~state board~~ department is authorized and directed to take such  
12 action as is necessary to collect such charges and may, in its discretion,  
13 withhold from any state moneys over which the ~~state board~~ department has  
14 control funds necessary to pay the amounts owing by such school districts and  
15 agencies.

16 (d) It is the intention of the General Assembly that the schools and  
17 agencies shall pay for such services amounts sufficient to reimburse the  
18 ~~state board~~ department for expenses incurred in the operation of the Surplus  
19 Property Program and in the operation of special federal service programs.

20  
21 SECTION 5. Arkansas Code § 19-11-604 is amended to read as follows:

22 19-11-604. Rural water associations.

23 Rural water associations shall be deemed eligible to participate in the  
24 federal Surplus Property Program operated under Pub. L. No. 81-152 and Pub.  
25 L. No. 81-754 as now administered by the ~~Vocational and Technical Education~~  
26 ~~Division of the Department of Education, or any successor agency~~ Arkansas  
27 Department of Emergency Management."

28  
29 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
30 General Assembly of the State of Arkansas that for the efficient operation of  
31 state and local government this act is immediately necessary to facilitate  
32 the cooperation with the federal government in the transfer of surplus  
33 property to state and local agencies and departments. Therefore, an  
34 emergency is declared to exist and this act being immediately necessary for  
35 the preservation of the public peace, health, and safety shall become  
36 effective on July 1, 2009.

*/s/ Hyde*

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