

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.

Act 1187 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

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

A Bill

HOUSE BILL 2069

5 By: Representative Hyde
6 By: Senator T. Smith
7
8

For An Act To Be Entitled

10 AN ACT TO TRANSFER THE ADMINISTRATION OF THE
11 FEDERAL SURPLUS PROPERTY PROGRAM FROM THE
12 DEPARTMENT OF WORKFORCE EDUCATION TO THE
13 DEPARTMENT OF EMERGENCY MANAGEMENT; AND FOR OTHER
14 PURPOSES.
15

Subtitle

16 TO TRANSFER THE ADMINISTRATION OF THE
17 FEDERAL SURPLUS PROPERTY PROGRAM FROM
18 THE DEPARTMENT OF WORKFORCE EDUCATION TO
19 THE DEPARTMENT OF EMERGENCY MANAGEMENT.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

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

32 *(b) For purposes of this act, the Arkansas Department of Emergency*
33 *Management shall be considered a principal department established by Acts*
34 *1971, No.38.*
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1 SECTION 2. Arkansas Code § 19-11-601 is amended to read as follows:
2 19-11-601. Authority to transfer to state and local agencies.

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

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

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

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19 SECTION 3. Arkansas Code § 19-11-602 is amended to read as follows:
20 19-11-602. Purchase for schools and school districts.

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

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

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

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35 SECTION 4. Arkansas Code § 19-11-603 is amended to read as follows:
36 19-11-603 Service charge.

1 (a) ~~The State Board of Education~~ Arkansas Department of Emergency
2 Management is authorized to add to the cost of surplus properties secured by
3 the agency for surplus property an amount necessary to defray the expense of
4 this service and to repay into the Revolving Loan Fund loans made to the
5 agency as provided in this section.

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

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

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

21
22 SECTION 5. Arkansas Code § 19-11-604 is amended to read as follows:
23 19-11-604. Rural water associations.

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

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

1 effective on July 1, 2009.

2 /s/ Hyde

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APPROVED: 4/7/2009

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