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Separate BILL NO. *448*
Blaylock

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 82, CHAPTER 31, R.C.M. 1947, REGARDING SURPLUS PROPERTY TO INCORPORATE CHANGES IN FEDERAL LAW, TO TRANSFER THE SURPLUS PROPERTY FUNCTION FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE DEPARTMENT OF ADMINISTRATION, AND TO CHANGE THE DEPOSIT OF SURPLUS PROPERTY INCOME FROM THE FEDERAL AND PRIVATE GRANT CLEARANCE FUND TO THE REVOLVING FUND."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-3101, R.C.M. 1947, is amended to read as follows:

"82-3101. Administration of the state agency for surplus property. There is hereby created and established a Montana state agency for surplus property, which shall be administered by the state board of education and which shall be subject to the supervision and direction of the state superintendent of public instruction department of administration. The state superintendent of public instruction is authorized to appoint, fix the compensation of, and director of the department may prescribe the duties of such personnel as are needed to carry out the duties as

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hereinafter stated."
Section 2. Section 82-3102, R.C.M. 1947, is amended to read as follows:
"82-3102. Authority and duties of the state agency for surplus property. (a) The state agency for surplus property is hereby authorized and empowered (1) to acquire from the United States of America under and in conformance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended, hereinafter referred to as the "act," such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States of America as may be usable and necessary for purposes of education, public health or civil defense, including research for any such purpose, and for such other purposes as may now or hereafter be authorized by federal law the act; (2) to warehouse such property; and (3) to distribute such property within the state to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges and universities within the state, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code of 1954 within the state, to civil defense organizations of the state, or political

1 ~~subdivisions and instrumentalities thereof, which are~~
 2 ~~established pursuant to state law, and to such other types~~
 3 ~~of institutions or activities as may now be or hereafter~~
 4 ~~become eligible under federal law to acquire such property~~
 5 eligible participants.

6 (b) The state agency for surplus property is hereby
 7 authorized to receive applications from eligible
 8 institutions participants for the acquisition of federal
 9 surplus real property; investigate the same; obtain
 10 expression of views respecting such applications from the
 11 appropriate ~~health or educational~~ authorities of the state;
 12 make recommendations regarding the need of such applicant
 13 for the property; the merits of its proposed program of
 14 utilization; the suitability of the property for such
 15 purposes; and otherwise assist in the processing of such
 16 applications for acquisition of real and related personal
 17 property of the United States under section 203(k) of the
 18 act as amended.

19 (c) For the purpose of executing its authority under
 20 this act, the state agency for surplus property is
 21 authorized and empowered to adopt, amend, or rescind such
 22 rules and regulations and prescribe such requirements as may
 23 be deemed necessary; and take such other action as is deemed
 24 necessary and suitable, in the administration of this act,
 25 to assure maximum utilization by and benefit to ~~healthy~~

1 ~~educational and civil defense institutions and organizations~~
 2 participants within the state from property distributed
 3 under this act.

4 (d) The state agency for surplus property is
 5 authorized and empowered to make such certifications, take
 6 such action, make such expenditures and enter into such
 7 contracts, agreements and undertakings for and in the name
 8 of the state (including co-operative agreements with any
 9 federal agencies providing for utilization by and exchange
 10 between them of the property, facilities, personnel and
 11 services of each by the other); require such reports and
 12 make such investigation as may be required by law or
 13 regulation of the United States of America in connection
 14 with the disposal of real property and the receipt,
 15 warehousing, and distribution of personal property received
 16 by the state agency for surplus property from the United
 17 States of America.

18 (e) The state agency for surplus property is
 19 authorized and empowered to act as clearinghouse of
 20 information for ~~the public and private nonprofit~~
 21 ~~institutions, organizations and agencies referred to in~~
 22 ~~subparagraph (e) of this section and other institutions~~
 23 ~~eligible to acquire federal surplus real property, eligible~~
 24 participants to locate both real and personal property
 25 available for acquisition from the United States of America;

1 to ascertain the terms and conditions under which such
 2 property may be obtained, to receive requests from the
 3 ~~above-mentioned institutions, organizations and agencies~~
 4 eligible participants and to transmit to them all available
 5 information in reference to such property, and to aid and
 6 assist ~~such institutions, organizations and agencies~~
 7 eligible participants in every way possible in the
 8 consummation of acquisitions or transactions hereunder.

9 (f) The state agency for surplus property, in the
 10 administration of this act, shall co-operate to the fullest
 11 extent consistent with the provisions of the act, with the
 12 departments or agencies of the United States of America and
 13 shall file a state plan of operation, operate in accordance
 14 therewith, and take such action as may be necessary to meet
 15 the minimum standards prescribed in accordance with the act,
 16 and make such reports in such form and containing such
 17 information as the United States of America or any of its
 18 departments or agencies may from time to time require, and
 19 it shall comply with the laws of the United States of
 20 America and the rules and regulations of any of the
 21 departments or agencies of the United States of America
 22 governing the allocation, transfer, use or accounting for,
 23 property donable or donated to the state."

24 Section 3. Section 82-3104, R.C.M. 1947, is amended to
 25 read as follows:

1 "82-3104. Authorization for financing. The state
 2 agency for surplus property shall be self-sustaining and
 3 shall end pay for its operation and maintenance directly
 4 from receipts from surplus property which shall be deposited
 5 in the treasury in the federal and private grant clearance
 6 revolving fund. ~~At any time the state board of education~~
 7 ~~deems that sufficient surplus has accumulated in the surplus~~
 8 ~~property accounts over and above the necessary funds for~~
 9 ~~proper expenditures and reasonable reserve, a rebate shall~~
 10 ~~be made to all institutions as listed in section 82-3102 (a)~~
 11 ~~which have participated in surplus property purchases during~~
 12 ~~the particular period in which this surplus has accumulated.~~
 13 ~~This rebate shall be determined on a ratio of business~~
 14 ~~transacted by each such institution to the total business~~
 15 ~~transacted by the state agency during the time involved."~~

16 Section 4. Section 82-3105, R.C.M. 1947, is amended to
 17 read as follows:

18 "82-3105. Superintendent ~~of public instruction~~
 19 Department director -- delegating powers and duties. The
 20 ~~state superintendent of public instruction director of the~~
 21 ~~department~~ may delegate to any employees of the state agency
 22 for surplus property such power and authority as he deems
 23 reasonable and proper for the effective administration of
 24 this act."

25 Section 5. Section 82-3106, R.C.M. 1947, is amended to

1 read as follows:

2 "82-3106. Officers or employees authorized to secure
3 transfer of surplus property. Any provision of law to the
4 contrary notwithstanding, the governing board, or in case
5 there be none, the executive head, of any state department,
6 instrumentality, or agency or of any city, county, school
7 district or other political subdivision may by order or
8 resolution confer upon any officer or employee thereof
9 continuing authority from time to time to secure the
10 transfer to it of surplus property under this act through
11 the state department of ~~public instruction~~ administration
12 ~~donable property division~~ under the provisions of section
13 203(j) of the Federal Property and Administrative Services
14 Act of 1949, as amended, and to obligate the state or
15 political subdivision and its funds to the extent necessary
16 to comply with the terms and conditions of such transfers.
17 The authority conferred upon any such officer or employee by
18 any such order or resolution shall remain in effect unless
19 and until the order or resolution is duly revoked and
20 written notice of such revocation shall have been received
21 by ~~state the department of public instruction~~ ~~donable~~
22 ~~property division.~~"

-End-

Approved by Committee
on Education

Legis BILL NO. 448
Blaylock

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2 INTRODUCED BY _____
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 82,
5 CHAPTER 31, R.C.M. 1947, REGARDING SURPLUS PROPERTY TO
6 INCORPORATE CHANGES IN FEDERAL LAW, TO TRANSFER THE SURPLUS
7 PROPERTY FUNCTION FROM THE SUPERINTENDENT OF PUBLIC
8 INSTRUCTION TO THE DEPARTMENT OF ADMINISTRATION, AND TO
9 CHANGE THE DEPOSIT OF SURPLUS PROPERTY INCOME FROM THE
10 FEDERAL AND PRIVATE GRANT CLEARANCE FUND TO THE REVOLVING
11 FUND."
12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 Section 1. Section 82-3101, R.C.M. 1947, is amended to
15 read as follows:

16 "82-3101. Administration of the state agency for
17 surplus property. There is hereby created and established a
18 Montana state agency for surplus property, which shall be
19 administered by the state board of education, and which
20 shall be subject to the supervision and direction of the
21 state superintendent of public instruction department of
22 administration. The state superintendent of public
23 instruction is authorized to appoint, fix the compensation
24 of, and director of the department may prescribe the duties
25 of such personnel as are needed to carry out the duties as

1 hereinafter stated."
2 Section 2. Section 82-3102, R.C.M. 1947, is amended to
3 read as follows:

4 "82-3102. Authority and duties of the state agency for
5 surplus property. (a) The state agency for surplus property
6 is hereby authorized and empowered (1) to acquire from the
7 United States of America under and in conformance with the
8 provisions of the Federal Property and Administrative
9 Services Act of 1949, as amended, hereinafter referred to as
10 the "act," such property, including equipment, materials,
11 books, or other supplies under the control of any department
12 or agency of the United States of America as may be usable
13 and necessary for purposes of ~~education, public health, or~~
14 ~~civil defense, including research for any such purpose, and~~
15 ~~for such other purposes as may now or hereafter be~~
16 authorized by federal law the act; (2) to warehouse such
17 property; and (3) to distribute such property within the
18 state to ~~tax-supported medical institutions, hospitals,~~
19 ~~clinics, health centers, school systems, schools, colleges,~~
20 ~~and universities within the state, and to other nonprofit~~
21 ~~medical institutions, hospitals, clinics, health centers,~~
22 ~~schools, colleges, and universities which have been held~~
23 ~~exempt from taxation under section 501(c)(3) of the United~~
24 ~~States Internal Revenue Code of 1954 within the state, to~~
25 ~~civil defense organizations of the state, or political~~

1 ~~subdivisions and instrumentalities thereof which are~~
 2 ~~established pursuant to state law, and to such other types~~
 3 ~~of institutions or activities as may now be or hereafter~~
 4 ~~become eligible under federal law to acquire such property~~
 5 ~~eligible participants.~~

6 (b) The state agency for surplus property is hereby
 7 authorized to receive applications from eligible
 8 ~~institutions participants~~ for the acquisition of federal
 9 surplus real property, investigate the same, obtain
 10 expression of views respecting such applications from the
 11 appropriate ~~health or educational~~ authorities of the state,
 12 make recommendations regarding the need of such applicant
 13 for the property, the merits of its proposed program of
 14 utilization, the suitability of the property for such
 15 purposes, and otherwise assist in the processing of such
 16 applications for acquisition of real and related personal
 17 property of the United States under section 203(k) of the
 18 act ~~as amended.~~

19 (c) For the purpose of executing its authority under
 20 this act, the state agency for surplus property is
 21 authorized and empowered to adopt, amend, or rescind such
 22 rules and regulations and prescribe such requirements as may
 23 be deemed necessary; and take such other action as is deemed
 24 necessary and suitable, in the administration of this act,
 25 to assure maximum utilization by and benefit to ~~healthy~~

1 ~~educational and civil defense institutions and organizations~~
 2 ~~participants~~ within the state from property distributed
 3 under this act.

4 (d) The state agency for surplus property is
 5 authorized and empowered to make such certifications, take
 6 such action, make such expenditures and enter into such
 7 contracts, agreements and undertakings for and in the name
 8 of the state (including co-operative agreements with any
 9 federal agencies providing for utilization by and exchange
 10 between them of the property, facilities, personnel and
 11 services of each by the other), require such reports and
 12 make such investigation as may be required by law or
 13 regulation of the United States of America in connection
 14 with the disposal of real property and the receipt,
 15 warehousing, and distribution of personal property received
 16 by the state agency for surplus property from the United
 17 States of America.

18 (e) The state agency for surplus property is
 19 authorized and empowered to act as clearinghouse of
 20 information for the ~~public and private nonprofit~~
 21 ~~institutions, organizations and agencies referred to in~~
 22 ~~subparagraph (a) of this section and other institutions~~
 23 ~~eligible to acquire federal surplus real property, eligible~~
 24 ~~participants~~ to locate both real and personal property
 25 available for acquisition from the United States of America,

1 to ascertain the terms and conditions under which such
 2 property may be obtained, to receive requests from the
 3 ~~above-mentioned institutions, organizations and agencies~~
 4 eligible participants and to transmit to them all available
 5 information in reference to such property, and to aid and
 6 assist ~~such institutions, organizations and agencies~~
 7 eligible participants in every way possible in the
 8 consummation of acquisitions or transactions hereunder.

9 (f) The state agency for surplus property, in the
 10 administration of this act, shall co-operate to the fullest
 11 extent consistent with the provisions of the act, with the
 12 departments or agencies of the United States of America and
 13 shall file a state plan of operation, operate in accordance
 14 therewith, and take such action as may be necessary to meet
 15 the minimum standards prescribed in accordance with the act,
 16 and make such reports in such form and containing such
 17 information as the United States of America or any of its
 18 departments or agencies may from time to time require, and
 19 it shall comply with the laws of the United States of
 20 America and the rules and regulations of any of the
 21 departments or agencies of the United States of America
 22 governing the allocation, transfer, use or accounting for,
 23 property donable or donated to the state."

24 Section 3. Section 82-3104, R.C.M. 1947, is amended to
 25 read as follows:

1 "82-3104. Authorization for financing. The state
 2 agency for surplus property shall be self-sustaining and
 3 shall not pay for its operation and maintenance directly
 4 from receipts from surplus property which shall be deposited
 5 in the treasury in the ~~federal and private grant clearance~~
 6 revolving fund. ~~At any time the state board of education~~
 7 ~~deems that sufficient surplus has accumulated in the surplus~~
 8 ~~property account, over and above the necessary funds for~~
 9 ~~proper expenditures and reasonable reserves, a rebate shall~~
 10 ~~be made to all institutions as listed in section 82-3102 (a)~~
 11 ~~which have participated in surplus property purchases during~~
 12 ~~the particular period in which this surplus has accumulated.~~
 13 ~~This rebate shall be determined on a ratio of business~~
 14 ~~transacted by each such institution to the total business~~
 15 ~~transacted by the state agency during the time involved."~~

16 Section 4. Section 82-3105, R.C.M. 1947, is amended to
 17 read as follows:

18 "82-3105. ~~Superintendent of public instruction~~
 19 Department director — delegating powers and duties. The
 20 ~~state superintendent of public instruction director of the~~
 21 department may delegate to any employees of the state agency
 22 for surplus property such power and authority as he deems
 23 reasonable and proper for the effective administration of
 24 this act."

25 Section 5. Section 82-3106, R.C.M. 1947, is amended to

1 read as follows:

2 "82-3106. Officers or employees authorized to secure
3 transfer of surplus property. Any provision of law to the
4 contrary notwithstanding, the governing board, or in case
5 there be none, the executive head, of any state department,
6 instrumentality, or agency or of any city, county, school
7 district or other political subdivision may by order or
8 resolution confer upon any officer or employee thereof
9 continuing authority from time to time to secure the
10 transfer to it of surplus property under this act through
11 the state department of ~~public instruction~~ ~~administration~~
12 ~~donable property division~~ under the provisions of section
13 203(j) of the Federal Property and Administrative Services
14 Act of 1949, as amended, and to obligate the state or
15 political subdivision and its funds to the extent necessary
16 to comply with the terms and conditions of such transfers.
17 The authority conferred upon any such officer or employee by
18 any such order or resolution shall remain in effect unless
19 and until the order or resolution is duly revoked and
20 written notice of such revocation shall have been received
21 by ~~state~~ ~~the~~ ~~department~~ ~~of~~ ~~public~~ ~~instruction~~ ~~donable~~
22 ~~property division.~~"

-End-

1 *Senate* BILL NO. 448
 2 INTRODUCED BY *Blaylock*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 82,
 5 CHAPTER 31, R.C.M. 1947, REGARDING SURPLUS PROPERTY TO
 6 INCORPORATE CHANGES IN FEDERAL LAW, TO TRANSFER THE SURPLUS
 7 PROPERTY FUNCTION FROM THE SUPERINTENDENT OF PUBLIC
 8 INSTRUCTION TO THE DEPARTMENT OF ADMINISTRATION, AND TO
 9 CHANGE THE DEPOSIT OF SURPLUS PROPERTY INCOME FROM THE
 10 FEDERAL AND PRIVATE GRANT CLEARANCE FUND TO THE REVOLVING
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14 Section 1. Section 82-3101, R.C.M. 1947, is amended to
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 17 surplus property. There is hereby created and established a
 18 Montana state agency for surplus property, which shall be
 19 administered by the state board of education, and which
 20 shall be subject to the supervision and direction of the
 21 state superintendent of public instruction department of
 22 administration. The state superintendent of public
 23 instruction is authorized to appoint, fix the compensation
 24 of, and director of the department may prescribe the duties
 25 of such personnel as are needed to carry out the duties as

1 hereinafter stated."

2 Section 2. Section 82-3102, R.C.M. 1947, is amended to
 3 read as follows:

4 "82-3102. Authority and duties of the state agency for
 5 surplus property. (a) The state agency for surplus property
 6 is hereby authorized and empowered (1) to acquire from the
 7 United States of America under and in conformance with the
 8 provisions of the Federal Property and Administrative
 9 Services Act of 1949, as amended, hereinafter referred to as
 10 the "act," such property, including equipment, materials,
 11 books, or other supplies under the control of any department
 12 or agency of the United States of America as may be usable
 13 and necessary for purposes of education, public health or
 14 civil defense, including research for any such purposes, and
 15 for such other purposes as may now or hereafter be
 16 authorized by federal law the act; (2) to warehouse such
 17 property; and (3) to distribute such property within the
 18 state to tax supported medical institutions, hospitals,
 19 clinics, health centers, school systems, schools, colleges,
 20 and universities within the state, and to other nonprofit
 21 medical institutions, hospitals, clinics, health centers,
 22 schools, colleges, and universities which have been held
 23 exempt from taxation under section 501(c)(3) of the United
 24 States Internal Revenue Code of 1954 within the state, to
 25 civil defense organizations of the state, or political

1 ~~subdivisions and instrumentalities thereof, which are~~
 2 ~~established pursuant to state law, and to such other types~~
 3 ~~of institutions or activities as may now be or hereafter~~
 4 ~~become eligible under federal law to acquire such property~~
 5 ~~eligible participants.~~

6 (b) The state agency for surplus property is hereby
 7 authorized to receive applications from eligible
 8 institutions ~~participants~~ for the acquisition of federal
 9 surplus real property. Investigate the same, obtain
 10 expression of views respecting such applications from the
 11 appropriate ~~health or educational~~ authorities of the state,
 12 make recommendations regarding the need of such applicant
 13 for the property, the merits of its proposed program of
 14 utilization, the suitability of the property for such
 15 purposes, and otherwise assist in the processing of such
 16 applications for acquisition of real and related personal
 17 property of the United States under section 203(k) of the
 18 act ~~as amended~~.

19 (c) For the purpose of executing its authority under
 20 this act, the state agency for surplus property is
 21 authorized and empowered to adopt, amend, or rescind such
 22 rules and regulations and prescribe such requirements as may
 23 be deemed necessary; and take such other action as is deemed
 24 necessary and suitable, in the administration of this act,
 25 to assure maximum utilization by and benefit to ~~healthy~~

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 3 under this act.

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 5 authorized and empowered to make such certifications, take
 6 such action, make such expenditures and enter into such
 7 contracts, agreements and undertakings for and in the name
 8 of the state (including co-operative agreements with any
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 10 between them of the property, facilities, personnel and
 11 services of each by the other), require such reports and
 12 make such investigation as may be required by law or
 13 regulation of the United States of America in connection
 14 with the disposal of real property and the receipt,
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 19 authorized and empowered to act as clearinghouse of
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 2 property may be obtained, to receive requests from the
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 6 assist such ~~institutions, organizations and agencies~~
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 8 consummation of acquisitions or transactions hereunder.

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 10 administration of this act, shall co-operate to the fullest
 11 extent consistent with the provisions of the act, with the
 12 departments or agencies of the United States of America and
 13 shall file a state plan of operation, operate in accordance
 14 therewith, and take such action as may be necessary to meet
 15 the minimum standards prescribed in accordance with the act,
 16 and make such reports in such form and containing such
 17 information as the United States of America or any of its
 18 departments or agencies may from time to time require, and
 19 it shall comply with the laws of the United States of
 20 America and the rules and regulations of any of the
 21 departments or agencies of the United States of America
 22 governing the allocation, transfer, use or accounting for,
 23 property donable or donated to the state."

24 Section 3. Section 82-3104, R.C.M. 1947, is amended to
 25 read as follows:

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 3 shall not pay for its operation and maintenance directly
 4 from receipts from surplus property which shall be deposited
 5 in the treasury in the federal and private grant clearance
 6 revolving fund. At any time the state board of education
 7 deems that sufficient surplus has accumulated in the surplus
 8 property accounts over and above the necessary funds for
 9 proper expenditures and reasonable reserve, a rebate shall
 10 be made to all institutions as listed in section 82-3102 (a)
 11 which have participated in surplus property purchases during
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 22 for surplus property such power and authority as he deems
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5 there be none, the executive head, of any state department,
6 instrumentality, or agency or of any city, county, school
7 district or other political subdivision may by order or
8 resolution confer upon any officer or employee thereof
9 continuing authority from time to time to secure the
10 transfer to it of surplus property under this act through
11 the state department of ~~public instruction~~ ~~administration~~
12 ~~double property division~~ under the provisions of section
13 203(j) of the Federal Property and Administrative Services
14 Act of 1949, as amended, and to obligate the state or
15 political subdivision and its funds to the extent necessary
16 to comply with the terms and conditions of such transfers.
17 The authority conferred upon any such officer or employee by
18 any such order or resolution shall remain in effect unless
19 and until the order or resolution is duly revoked and
20 written notice of such revocation shall have been received
21 by ~~state~~ ~~the~~ ~~department~~ ~~of~~ ~~public~~ ~~instruction~~ ~~double~~
22 ~~property division.~~"

-End-

SENATE BILL NO. 448
INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE TITLE 82, CHAPTER 31, R.C.M. 1947, REGARDING SURPLUS PROPERTY TO INCORPORATE CHANGES IN FEDERAL LAW, TO TRANSFER THE SURPLUS PROPERTY FUNCTION FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE DEPARTMENT OF ADMINISTRATION, AND TO CHANGE THE DEPOSIT OF SURPLUS PROPERTY INCOME FROM THE FEDERAL AND PRIVATE GRANT CLEARANCE FUND TO THE REVOLVING FUND."

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hereinafter stated."

Section 2. Section 82-3102, R.C.M. 1947, is amended to read as follows:

"82-3102. Authority and duties of the state agency for surplus property. (a) The state agency for surplus property is hereby authorized and empowered (1) to acquire from the United States of America under and in conformance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended, hereinafter referred to as the "act," such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States of America as may be usable and necessary for purposes ~~of education, public health or civil defense, including research for any such purpose, and for such other purposes as may now or hereafter be~~ authorized by ~~federal law~~ the act; (2) to warehouse such property; and (3) to distribute such property within the state to ~~tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges and universities within the state, and to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code of 1954 within the state, to~~ civil defense organizations of the state or political

1 ~~subdivisions and instrumentalities thereof which are~~
 2 ~~established pursuant to state law and to such other types~~
 3 ~~of institutions or activities as may now be or hereafter~~
 4 ~~become eligible under federal law to acquire such property~~
 5 eligible participants.

6 (b) The state agency for surplus property is hereby
 7 authorized to receive applications from eligible
 8 ~~institutions~~ participants for the acquisition of federal
 9 surplus real property, investigate the same, obtain
 10 expression of views respecting such applications from the
 11 appropriate ~~health or education~~ authorities of the state,
 12 make recommendations regarding the need of such applicant
 13 for the property, the merits of its proposed program of
 14 utilization, the suitability of the property for such
 15 purposes, and otherwise assist in the processing of such
 16 applications for acquisition of real and related personal
 17 property of the United States under section 203(k) of the
 18 act as amended.

19 (c) For the purpose of executing its authority under
 20 this act, the state agency for surplus property is
 21 authorized and empowered to adopt, amend, or rescind such
 22 rules and regulations and prescribe such requirements as may
 23 be deemed necessary; and take such other action as is deemed
 24 necessary and suitable, in the administration of this act,
 25 to assure maximum utilization by and benefit to ~~health,~~

1 ~~educational and civil defense institutions and organizations~~
 2 participants within the state from property distributed
 3 under this act.

4 (d) The state agency for surplus property is
 5 authorized and empowered to make such certifications, take
 6 such action, make such expenditures and enter into such
 7 contracts, agreements and undertakings for and in the name
 8 of the state (including co-operative agreements with any
 9 federal agencies providing for utilization by and exchange
 10 between them of the property, facilities, personnel and
 11 services of each by the other), require such reports and
 12 make such investigation as may be required by law or
 13 regulation of the United States of America in connection
 14 with the disposal of real property and the receipt,
 15 warehousing, and distribution of personal property received
 16 by the state agency for surplus property from the United
 17 States of America.

18 (e) The state agency for surplus property is
 19 authorized and empowered to act as clearinghouse of
 20 information for ~~the public and private nonprofit~~
 21 ~~institutions, organizations and agencies referred to in~~
 22 ~~subparagraph (a) of this section and other institutions~~
 23 ~~eligible to acquire federal surplus real property,~~ eligible
 24 participants to locate both real and personal property
 25 available for acquisition from the United States of America,

1 to ascertain the terms and conditions under which such
 2 property may be obtained, to receive requests from ~~the~~
 3 ~~above-mentioned--institutions--organizations--and--agencies~~
 4 eligible participants and to transmit to them all available
 5 information in reference to such property, and to aid and
 6 assist ~~such--institutions--organizations--and--agencies~~
 7 eligible participants in every way possible in the
 8 consummation of acquisitions or transactions hereunder.

9 (f) The state agency for surplus property, in the
 10 administration of this act, shall co-operate to the fullest
 11 extent consistent with the provisions of the act, with the
 12 departments or agencies of the United States of America and
 13 shall file a state plan of operation, operate in accordance
 14 therewith, and take such action as may be necessary to meet
 15 the minimum standards prescribed in accordance with the act,
 16 and make such reports in such form and containing such
 17 information as the United States of America or any of its
 18 departments or agencies may from time to time require, and
 19 it shall comply with the laws of the United States of
 20 America and the rules and regulations of any of the
 21 departments or agencies of the United States of America
 22 governing the allocation, transfer, use or accounting for,
 23 property donable or donated to the state."

24 section 3. Section 82-3104, R.C.M. 1947, is amended to
 25 read as follows:

1 "82-3104. Authorization for financing. The state
 2 agency for surplus property shall be self-sustaining and
 3 shall not pay for its operation and maintenance directly
 4 from receipts from surplus property which shall be deposited
 5 in the treasury in the ~~federal-and-private--grant--clearance~~
 6 revolving fund. ~~At--any--time--the--state--board--of--education~~
 7 ~~deems--that--sufficient--surplus--has--accumulated--in--the--surplus~~
 8 ~~property--account,--over--and--above--the--necessary--funds--for~~
 9 ~~proper--expenditures--and--reasonable--reserves--a--rebate--shall~~
 10 ~~be--made--to--all--institutions--as--listed--in--section--82--3102--(a)~~
 11 ~~which--have--participated--in--surplus--property--purchases--during~~
 12 ~~the--particular--period--in--which--this--surplus--has--accumulated.~~
 13 ~~This--rebate--shall--be--determined--on--a--ratio--of--business~~
 14 ~~transacted--by--each--such--institution--to--the--total--business~~
 15 ~~transacted--by--the--state--agency--during--the--time--involved."~~

16 Section 4. Section 82-3105, R.C.M. 1947, is amended to
 17 read as follows:

18 "82-3105. Superintendent ~~of--public--instruction~~
 19 Department director -- delegating powers and duties. The
 20 ~~state--superintendent--of--public--instruction~~ director of the
 21 department may delegate to any employees of the state agency
 22 for surplus property such power and authority as he deems
 23 reasonable and proper for the effective administration of
 24 this act."

25 Section 5. Section 82-3106, R.C.M. 1947, is amended to

1 read as follows:

2 "82-3106. Officers or employees authorized to secure
3 transfer of surplus property. Any provision of law to the
4 contrary notwithstanding, the governing board, or in case
5 there be none, the executive head, of any state department,
6 instrumentality, or agency or of any city, county, school
7 district or other political subdivision may by order or
8 resolution confer upon any officer or employee thereof
9 continuing authority from time to time to secure the
10 transfer to it of surplus property under this act through
11 the state department of ~~public-instruction~~ administration
12 ~~donable--property--division~~ under the provisions of section
13 203(j) of the Federal Property and Administrative Services
14 Act of 1949, as amended, and to obligate the state or
15 political subdivision and its funds to the extent necessary
16 to comply with the terms and conditions of such transfers.
17 The authority conferred upon any such officer or employee by
18 any such order or resolution shall remain in effect unless
19 and until the order or resolution is duly revoked and
20 written notice of such revocation shall have been received
21 by state ~~the~~ department of ~~public-instruction~~ ~~donable~~
22 ~~property-division.~~"

-End-