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1 IN THE HOUSE

2 HOUSE BILL NO. 219

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act empowering the Governor to designate
7 the Alaska National Guard as the surplus
8 property administrative agency; authorizing
9 the administrative agency to receive property
10 under applicable Federal law; providing for
11 the distribution and warehousing of surplus
12 property; authorizing an appropriation; and
13 setting an effective date."

14 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

15 Section 1. EMPOWERING THE GOVERNOR TO DESIGNATE THE NATIONAL
16 GUARD AS THE SURPLUS PROPERTY ADMINISTRATIVE AGENCY. The Governor
17 of Alaska is hereby empowered to designate the Alaska National
18 Guard as the Territorial Surplus Property administrative agency.
19 There is hereby established in the office of the Adjutant General
20 an activity to be known as the Alaska Surplus Property Service, for
21 which the Adjutant General shall be responsible under the super-
22 vision of the Governor in addition to his other duties, and in
23 connection with which the designation "Administrator" shall be used,
24 The Administrator's services rendered hereunder may be charged to
25 the Surplus Property Service Special Fund in such amounts as may
26 be determined by the Board of Administration.

27 Sec. 2. AUTHORITY AND DUTIES OF THE ALASKA SURPLUS PROPERTY
28 SERVICE.

29 (1) The Alaska Surplus Property Service is hereby

1 authorized and empowered (a) to acquire from the United States of
2 America under and in conformance with the provisions of Public
3 Law 904, 84th Congress, (70 Stat. 918), hereinafter referred to
4 as the "Act", (63 Stat. 377 et seq., 40 USCA 471 et seq.) such
5 property, including but not limited to equipment, materials, books,
6 or other supplies under the control of any department or agency of
7 the United States of America as may be usable and necessary for
8 purposes of education, (including educational activities which are
9 of special interest to the armed services) public health or civil
10 defense, including research for any such purpose, and for such
11 other purposes as may now or hereafter be authorized by Federal
12 law; (b) to warehouse such property; and (c) to distribute such
13 property within the Territory to tax-supported medical institutions,
14 hospitals, clinics, health centers, school systems, colleges,
15 schools, and universities within the Territory, to other non-profit
16 medical institutions, hospitals, clinics, health centers, schools,
17 colleges and universities which have been held exempt from tax-
18 tion under Section 501 (c)(3) of the United States Internal
19 Revenue Code of 1954, including any future amendments thereto, to
20 civil defense organizations of the Territory which are established
21 pursuant to Territorial law, to organizations or institutions
22 engaged in educational activities which are of special interest
23 to the armed services, and to such other types of institutions
24 or activities as may now be or hereafter become eligible under
25 Federal law to acquire such property.

26 (2) The Alaska Surplus Property Service, under the
27 supervision of the Governor, is hereby authorized to receive appli-
28 cations from eligible institutions above enumerated, including
29 the Territorial Government and all political subdivisions thereof,

1 for the acquisition of Federal surplus real property, investigate
2 the same, obtain expression of views respecting such applications
3 from the appropriate health or educational authorities of the
4 Territory, make recommendations regarding the need of such appli-
5 cant for the property, the merits of its proposed program of utili-
6 zation, the suitability of the property for such purposes, and
7 otherwise assist in the processing of such applications for acqui-
8 sition of real and related personal property of the United States
9 under section 203(k) of the Federal Property and Administrative
10 Act of 1949.

11 (3) For the purpose of executing its authority under
12 this Act, the Alaska Surplus Property Service, under the supervi-
13 sion of the Governor, is authorized and empowered to adopt, amend,
14 or rescind such rules and regulations and prescribe such require-
15 ments as may be deemed necessary; and take such other action as is
16 deemed necessary and suitable, in the administration of this Act,
17 to assure maximum utilization by and benefit to health, educational
18 and civil defense and other eligible institutions and organizations
19 within the Territory from property distributed under this Act.

20 (4) The Alaska Surplus Property Service, under the
21 supervision of the Governor, is authorized and empowered to make
22 such certifications, take such action, make such expenditures and
23 enter into such contracts, agreements and undertakings for and in
24 the name of the Territory (including cooperative agreements with
25 any Federal agencies providing for utilization by and exchange
26 between them of the property, facilities, personnel and services
27 of each by the other), require such reports and make such investi-
28 gations as may be required by law or regulation of the United
29 States of America in connection with the disposal of real property

1 and the receipt, warehousing and distribution of personal property
2 received by the Alaska Surplus Property Service from the United
3 States of America.

4 (5) The Alaska Surplus Property Service, under the
5 supervision of the Governor, is authorized and empowered to act
6 as clearing house of information for the public and private
7 nonprofit institutions, organizations and agencies referred to
8 in Sec. 2 (1) of this Act and other institutions eligible to
9 acquire Federal surplus real property, to locate both real and
10 personal property available for acquisition from the United States
11 of America, to ascertain the terms and conditions under which
12 such property may be obtained, to receive requests from the above-
13 mentioned institutions, organizations and agencies and to transmit
14 to them all available information in reference to such property,
15 and to aid and assist such institutions, organizations and
16 agencies in every way possible in the consummation of acquisitions
17 or transactions hereunder.

18 (6) The Alaska Surplus Property Service, in the admin-
19 istration of this Act, shall cooperate to the fullest extent
20 with the departments or agencies of the United States of America
21 and shall file a Territorial plan of operation, operate in
22 accordance therewith, and take such action as may be necessary to
23 meet the minimum standards prescribed in accordance with the
24 "Act", and make such reports in such form and containing such
25 information as the United States of America or any of its depart-
26 ments or agencies may from time to time require, and it shall
27 comply with the laws of the United States of America and the
28 rules and regulations of any of the departments or agencies of the
29 United States of America governing the allocation, transfer, use

1 or accounting for, property donable or donated to the Territory.

2 (7) The Alaska Surplus Property Service upon request
3 of the Governor, is authorized to perform all of the functions
4 necessary to effect the transfer of personal property surplus
5 to the Federal government for all eligible purposes under the
6 provisions of Public Law 659, 1954, as amended, and to comply
7 with regulations of the Federal General Services Administration
8 in connection therewith. In carrying out the purposes of this
9 Subsection the Supervisor is authorized upon the Governor's re-
10 quest to act as his Representative in connection with the function
11 to be performed herein.

12 (8) The Civil Defense organization, officials, and
13 contacts throughout the Territory of Alaska shall be utilized to
14 assist in carrying out the purposes of this Act to the extent
15 that this is feasible and can be done without adversely affecting
16 civil defense. In addition, the Administrator may employ on a
17 merit basis such assistants and other workers in the Surplus
18 Property Service as may be required to carry out the purposes of
19 this Act, within the limits of the moneys available to the Service.

20 Sec. 3. POWER OF THE ADMINISTRATOR TO DELEGATE. The Adminis-
21 trator may delegate to any employees of the Alaska Surplus Property
22 Service such power and authority as he deems reasonable and proper
23 for the effective administration of this Act. The Administrator
24 may, in his discretion, bond any person in the employ of the
25 Alaska Surplus Property Service handling moneys, signing checks,
26 or receiving or distributing property from the United States
27 under authority of this Act.

28 Sec. 4. FINANCING SURPLUS PROPERTY SERVICE. (1) The
29 Alaska Surplus Property Service shall be, to the fullest extent

1 possible , self-supporting. Funds to pay for personal services
2 and all other expenses necessary to operate the Service shall be
3 obtained from any appropriation authorized hereunder and fees to
4 be charged to all users of surplus property. The Administrator
5 shall establish the fees to be charged. Charges may also be
6 made to reimburse the Service for direct costs; such as packing
7 and transportation, which may be incurred on behalf of users of
8 surplus property.

9 (2) The charges made or fees assessed by the Alaska
10 Surplus Property Service for the acquisition, warehousing, distri-
11 bution or transfer of any property of the United States of America
12 for educational, public health or civil defense purposes, includ-
13 ing research, and for all purposes eligible under the applicable
14 Federal law shall be limited to those reasonably related to the
15 costs of care and handling in respect to its acquisition, receipt,
16 warehousing, distribution or transfer by the Alaska Surplus
17 Property Service and , in the case of real property, such charges
18 and fees shall be limited to the reasonable administrative costs
19 of the Alaska Surplus Property Service incurred in effecting
20 transfer. A reasonable reserve may be considered as a proper
21 cost.

22 (3) There is hereby created a special revolving fund
23 in the Territorial Treasury into which shall be covered all fees
24 and other monies collected from users and all receiving agencies.
25 Administrative costs and all incidental expenses shall be paid
26 from this special fund on vouchers signed and submitted by the
27 Administrator. All monies available as of April 1, 1957, from
28 fees collected from users and all receiving agencies, shall be
29 transferred into the special fund created herein and used for the

1 purposes set forth in this Section.

2 Sec. 5. AUTHORIZATION TO ACCEPT PROPERTY. Any provision
3 of law to the contrary notwithstanding, the governing board, or
4 in the case there be none, the executive head, of any Territorial
5 department, instrumentality, or agency or of any town, city,
6 school district or other political subdivision may by order or
7 resolution confer upon any officer or employee thereof continuing
8 authority from time to time to secure, certify, and accept the
9 transfer to it of property under this Act and to obligate the
10 Territory or political subdivision and its funds to the extent
11 necessary to comply with the terms and conditions of such trans-
12 fers. The authority conferred upon any such officer or employee
13 by any such order or resolution shall remain in effect unless and
14 until the order or resolution is duly revoked and written notice
15 of such revocation shall have been received by the Alaska Surplus
16 Property Service.

17 Sec. 6. APPROPRIATION. Funds to carry out the provisions
18 of this Act may be appropriated in the General Appropriation
19 Bill of the Alaska Legislature.

20 Sec. 7. EFFECTIVE DATE. This Act shall take effect on
21 April 1, 1957.

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