



Andy Beshear
Governor

Commonwealth of Kentucky
Finance and Administration Cabinet
OFFICE OF THE SECRETARY
Room 383, Capitol Annex
702 Capital Avenue
Frankfort, KY 40601-3462
(502) 564-4240
Fax (502) 564-6785

Holly M. Johnson
Secretary

SECRETARY'S ORDER NO. 21-105

**DELEGATION OF AUTHORITY TO DECLARE AND
DISPOSE OF SURPLUS PERSONAL PROPERTY**

WHEREAS, KRS 45A.045(5) authorizes the Finance and Administration Cabinet to promulgate administrative regulations establishing the authority to declare and dispose of surplus personal property of the Commonwealth; and

WHEREAS, pursuant to the authority granted by KRS 45A.045(5), the Finance and Administration Cabinet has promulgated 200 KAR 5:302, specifying the authorization required for authority to declare and dispose of surplus personal property to be delegated to an agency head; and

WHEREAS, 200 KAR 5:302, Section 3 provides that only an agency head shall be delegated authorization to declare and dispose of surplus personal property; and

WHEREAS, recognizing the level of trust, responsibility, and authority vested in the Secretaries of individual Executive Branch Agencies; the benefits of avoiding unnecessary delay and repetitive document reviews regarding the declaration and disposal of agency surplus personal property; and the greater familiarity that Secretaries of Executive Branch Cabinets and Constitutionally Elected Officers possess regarding the necessity of declaring and disposing of surplus personal property utilized within their agency;

NOW THEREFORE, IT IS HEREBY ORDERED that, pursuant to the authority vested in me by KRS 45A.045 and 200 KAR 5:302, I, Holly M. Johnson, Secretary of the Finance and Administration Cabinet, hereby delegate authority to declare and dispose of surplus personal property as follows:

1. Authority to declare and dispose of surplus personal property is delegated to all Secretaries of Executive Branch Cabinets and Constitutionally Elected Officers or their designees subject to the limitations contained in this Order. This delegation shall include authorization authority over every agency, department, authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of


organization included in or attached to the program cabinet by statute or statutorily authorized executive order.

2. In considering a request to approve the declaration and disposal of surplus personal property, the Secretary of the individual Executive Branch Cabinets and/or the Constitutionally Elected Officer or their designees shall consider:
 - a. Whether the disposal of surplus personal property is necessary and reasonable to meet an agency need; and
 - b. Whether the method utilized to dispose of surplus property maximizes the benefit and is in the best interest of the Commonwealth.
3. The Secretaries of Executive Branch Cabinets and Constitutionally Elected Officers, or their designees exercising the authority to declare and dispose of surplus personal property delegated by this Order shall:
 - a. Ensure that no employee of the Commonwealth shall personally benefit from the disposal of surplus personal property; and
 - b. Ensure the disposition of surplus personal property is done in accordance with applicable federal and state laws and regulations.
 - c. No later than thirty (30) days prior to the disposition of surplus personal property submit to the Finance and Administration Cabinet, Department for Facilities & Support Services, Division of Surplus Property, documentation:
 - i. Describing the surplus property;
 - ii. The reasons why the agency declared the property to be surplus;
 - iii. The method of disposition;
 - iv. The recipient, if known; and
 - v. An attestation that the surplus property process being proposed is in compliance with the provisions of KRS Chapter 45A and all other purchasing statute, administrative regulations, policies and procedures of the Finance and Administration Cabinet;
4. The delegation of authority to declare and dispose of surplus personal property to Secretaries of Executive Branch Cabinets and Constitutionally Elected Officers or their designees is subject to the following limitations:
 - a. Approval of Secretary of the Finance and Administration Cabinet or her designee is required to dispose of surplus personal property owned by an Executive Branch agency for less than one (1) year; and
 - b. Prior to the transfer of surplus personal property to an organization outside of state government, including but not limited to a unit of local government or nonprofit organization, the agency with delegated authority must confirm with the Finance and Administration Cabinet, Department for Facilities & Support Services,

Division of Surplus Property that the outside organization is eligible to receive and/or purchase surplus state-owned personal property.

- 5. The Finance and Administration Cabinet, Department for Facilities & Support Services, Division of Surplus Property shall create and publish to its website a Disposal of Surplus Property Electronic Process within the Surplus Property Management System to be utilized by the Secretaries of Executive Branch Cabinets and Constitutionally Elected Officers or their designees when exercising the authority to declare and dispose of surplus personal property pursuant to this Order.
- 6. This Order shall not be read to waive any provision or requirement contained in KRS 45A.045 or 200 KAR 5:302.

This Order is effective June 1, 2021. The provisions of any prior Order that conflict with the provisions of this Order, including but not limited to Secretary's Orders 99-309, 99-484, 99-485, 99-486, 99-487, 99-488, 99-308, and 99-715, shall be null and void.



 Holly M. Johnson, Secretary
 Finance and Administration Cabinet

20th day of May, 2021.

APPROVED AS TO FORM:



 Office of General Counsel
 Finance and Administration Cabinet

20th day of May, 2021.