

BILL ANALYSIS

Senate Research Center
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H.B. 3438
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3438 amends current law relating to the transfer of surplus or salvage state agency property.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Facilities Commission in SECTION 8 (Section 2175.190, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2175.182(a), Government Code, to require a state agency that determines it has surplus or salvage property to inform the Texas Facilities Commission (TFC) of the property's kind, number, location, condition, original cost or value, and date of acquisition, rather than inform TFC of that fact for the purpose of determining the method of disposal of the property. Makes no further change.

SECTION 2. Amends the heading of Section 2175.1825, Government Code, to read as follows:

Sec. 2175.1825. ADVERTISING ON COMMISSION WEBSITE.

SECTION 3. Amends Section 2175.1825(a), Government Code, as follows:

(a) Requires TFC, after a state agency informs TFC that it has surplus or salvage property, to advertise the property's kind, number, location, and condition on TFC's website.

Deletes existing text requiring the comptroller of public accounts of the State of Texas (comptroller), not later than the second day after the date the comptroller receives notice from a state agency under Section 2175.182(c) (requiring TFC to direct the state agency to inform the comptroller's office of the transferred property's information), to advertise the property's kind, number, location, and condition on the comptroller's website.

SECTION 4. Amends Section 2175.183, Government Code, to require TFC to inform other state agencies, political subdivisions, and assistance organizations of TFC's website, rather than the comptroller's website, that lists surplus property that is available for transfer, rather than for sale.

SECTION 5. Amends the heading of Section 2175.184, Government Code, to read as follows:

Sec. 2175.184. TRANSFER.

SECTION 6. Amends Section 2175.184(a), Government Code, to change a reference to comptroller's website to TFC's website.

SECTION 7. Amends Section 2175.185(c), Government Code, as follows:

(c) Requires TFC to remove the property from the list of surplus property for sale on TFC's website on the date that the property is transferred.

Deletes existing text requiring the comptroller, not later than the second day after the date the comptroller receives notice under Subsection (a) (requiring the participating agencies to report the transfer of property to a state agency to the comptroller), to remove the property from the list of surplus property for sale on the comptroller's website.

SECTION 8. Amends Section 2175.190, Government Code, by adding Subsection (c), to authorize TFC by rule to establish a procedure that allows a participating state agency to receive a return on small value items through the transfer of similar items.

SECTION 9. Repealer: Section 2175.182(c) (requiring TFC to direct the state agency to inform the comptroller's office of the transferred property's information), Government Code.

SECTION 10. Makes application of this Act prospective.

SECTION 11. Effective date: September 1, 2015.