

BILL ANALYSIS

Senate Research Center
84R12166 DDT-D

H.B. 3439
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties propose that the state establish a new process for donating state surplus property to qualified organizations in cases in which the state will benefit, such as transfers of property to volunteer fire departments, local law enforcement agencies, and organizations that work closely with state agencies to provide health and safety services. H.B. 3439 seeks to establish this process.

H.B. 3439 amends current law relating to the donation of property from a state agency to an assistance organization or a local governmental entity.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2175.181, Government Code, as follows:

Sec. 2175.181. **APPLICABILITY.** (a) Creates this subsection from existing text and makes no further change.

(b) Provides that this subchapter does not apply to property that is to be donated under Section 2175.241.

SECTION 2. Amends Section 2175.241, Government Code, as follows:

Sec. 2175.241. **DESTRUCTION OR DONATION OF SURPLUS OR SALVAGE PROPERTY.** (a) Creates this subsection from existing text. Provides that if the Texas Facilities Commission (TFC), rather than TFC or a state agency, cannot otherwise sell or dispose of property in accordance with this chapter, has determined that the property has no resale value, or has determined that the state will sufficiently benefit from donating the property, the property may be destroyed as worthless salvage, or donated to an assistance organization or a local governmental entity.

(b) Authorizes a state agency to only donate surplus or salvage property under this chapter that could be resold if the agency notifies TFC and provides sufficient information for TFC to be able to confirm the benefit to the state.

(c) Authorizes TFC to charge the assistance organization or local governmental entity that receives the donation an amount sufficient to cover the costs associated with the donation, not to exceed 10 percent of the item's market value.

(d) Provides that a state agency that donates property under this section is responsible for notifying the comptroller of public accounts of the State of Texas (comptroller) of the donation and any benefit received that must be reported.

SECTION 3. Amends Section 2175.242(b), Government Code, as follows:

(b) Provides that authorization by TFC is not required for the deletion of salvage or donated items of another state agency from the state property accounting records.

SECTION 4. Effective date: September 1, 2015.