

By: Naishtat

H.B. No. 2143

A BILL TO BE ENTITLED

AN ACT

relating to surplus and salvage computer equipment.

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

SECTION 1. Section 2175.001(1), Government Code, as amended by Chapters 1004 and 1422, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

(1) "Assistance organization" means:

(A) a nonprofit organization that provides educational, health, or human services or assistance to homeless individuals;

(B) a nonprofit food bank that solicits, warehouses, and redistributes edible but unmarketable food to an agency that feeds needy families and individuals;

(C) Texas Partners of the Americas, a registered agency with the Advisory Committee on Voluntary Foreign Aid, with the approval of the Partners of the Alliance office of the Agency for International Development;

(D) a group, including a faith-based group, that enters into a financial or nonfinancial agreement with a health or human services agency to provide services to that agency's clients;

(E) a local workforce development board created under Section 2308.253;

(F) a nonprofit organization approved by the Supreme Court of Texas that provides free legal services for

1 low-income households in civil matters; ~~and~~

2 (G) the Texas Boll Weevil Eradication  
3 Foundation, Inc., or an entity designated by the commissioner of  
4 agriculture as the foundation's successor entity under Section  
5 74.1011, Agriculture Code; and

6 (H) a nonprofit computer bank that solicits,  
7 stores, refurbishes, and redistributes used computer equipment to  
8 public school students and their families.

9 SECTION 2. Section 2175.128, Government Code, as amended by  
10 Chapters 816, 1272, and 1422, Acts of the 77th Legislature, Regular  
11 Session, 2001, is amended to read as follows:

12 Sec. 2175.128. DISPOSITION OF DATA PROCESSING EQUIPMENT.

13 (a) If a disposition of a state agency's surplus or salvage data  
14 processing equipment is not made under Section 2175.125 or  
15 2175.184, the state agency shall transfer the equipment to:

16 (1) a school district or open-enrollment charter  
17 school in this state under Subchapter C, Chapter 32, Education  
18 Code;

19 (2) an assistance organization specified by the school  
20 district; [7] or

21 (3) [to] the Texas Department of Criminal Justice.

22 ~~[The state agency may not collect a fee or other reimbursement from~~  
23 ~~the district, the school, or the Texas Department of Criminal~~  
24 ~~Justice for the surplus or salvage data processing equipment.]~~

25 (b) If a disposition of the surplus or salvage data  
26 processing equipment of a state eleemosynary institution or an  
27 institution or agency of higher education is not made under other

1 law, the institution or agency shall transfer the equipment to:

2 (1) a school district or open-enrollment charter  
3 school in this state under Subchapter C, Chapter 32, Education  
4 Code;

5 (2) an assistance organization specified by the school  
6 district; [7] or

7 (3) [~~to~~] the Texas Department of Criminal Justice.

8 (c) The state eleemosynary institution or institution or  
9 agency of higher education, or other state agency may not collect a  
10 fee or other reimbursement from the district, the school, the  
11 assistance organization, or the Texas Department of Criminal  
12 Justice for the surplus or salvage data processing equipment  
13 transferred under this section.

14 SECTION 3. Sections 2175.304(b) and (c), Government Code,  
15 are amended to read as follows:

16 (b) The governing board of each university system or  
17 institution or agency of higher education included within the  
18 definition of "state agency" under Section 2151.002 shall establish  
19 written procedures for the disposition of surplus or salvage  
20 property of the system, institution, or agency. The procedures  
21 shall allow for the direct transfer of materials or equipment that  
22 can be used for instructional purposes to a public school or school  
23 district, or an assistance organization designated by the school  
24 district, at a price or for other consideration to which the system,  
25 institution, or agency and the public school or school district or  
26 the assistance organization agree or for no consideration as the  
27 system, institution, or agency determines appropriate.

1 (c) The procedures established under Subsection (b) must  
2 give preference to transferring the property directly to a public  
3 school or school district or to an assistance organization  
4 designated by the school district before disposing of the property  
5 in another manner. If more than one public school or school  
6 district or assistance organization seeks to acquire the same  
7 property on substantially the same terms, the system, institution,  
8 or agency shall give preference to a public school that is  
9 considered low-performing by the commissioner of education or to a  
10 school district that has a taxable wealth per student that entitles  
11 the district to an allotment of state funds under Subchapter F,  
12 Chapter 42, Education Code, or to the assistance organization  
13 designated by such a school district.

14 SECTION 4. Subchapter E, Chapter 2175, Government Code, is  
15 amended by adding Section 2175.306 to read as follows:

16 Sec. 2175.306. EXCEPTION FOR CERTAIN AGENCIES. This  
17 chapter does not apply to the disposition of surplus computer  
18 equipment by a state agency involved in the areas of health, human  
19 services, or education, except for an agency to which Section  
20 2175.304 applies. Those agencies shall give preference to  
21 transferring the property to a public school, school district, or  
22 assistance organization specified by the school district.

23 SECTION 5. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2003.