

1-1 By: Ratliff S.B. No. 912
1-2 (In the Senate - Filed March 6, 2003; March 11, 2003, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 2, 2003, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 2, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to surplus and salvage computer equipment.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subdivision (1), Section 2175.001, Government
1-11 Code, as amended by Chapters 1004 and 1422, Acts of the 77th
1-12 Legislature, Regular Session, 2001, is reenacted and amended to
1-13 read as follows:

1-14 (1) "Assistance organization" means:

1-15 (A) a nonprofit organization that provides
1-16 educational, health, or human services or assistance to homeless
1-17 individuals;

1-18 (B) a nonprofit food bank that solicits,
1-19 warehouses, and redistributes edible but unmarketable food to an
1-20 agency that feeds needy families and individuals;

1-21 (C) Texas Partners of the Americas, a registered
1-22 agency with the Advisory Committee on Voluntary Foreign Aid, with
1-23 the approval of the Partners of the Alliance office of the Agency
1-24 for International Development;

1-25 (D) a group, including a faith-based group, that
1-26 enters into a financial or nonfinancial agreement with a health or
1-27 human services agency to provide services to that agency's clients;

1-28 (E) a local workforce development board created
1-29 under Section 2308.253;

1-30 (F) a nonprofit organization approved by the
1-31 Supreme Court of Texas that provides free legal services for
1-32 low-income households in civil matters; ~~and~~

1-33 (G) the Texas Boll Weevil Eradication
1-34 Foundation, Inc., or an entity designated by the commissioner of
1-35 agriculture as the foundation's successor entity under Section
1-36 74.1011, Agriculture Code; and

1-37 (H) a nonprofit computer bank that solicits,
1-38 stores, refurbishes, and redistributes used computer equipment to
1-39 public school students and their families.

1-40 SECTION 2. Section 2175.128, Government Code, as amended by
1-41 Chapters 816, 1272, and 1422, Acts of the 77th Legislature, Regular
1-42 Session, 2001, is amended to read as follows:

1-43 Sec. 2175.128. DISPOSITION OF DATA PROCESSING EQUIPMENT.

1-44 (a) If a disposition of a state agency's surplus or salvage data
1-45 processing equipment is not made under Section 2175.125 or
1-46 2175.184, the state agency shall transfer the equipment to:

1-47 (1) a school district or open-enrollment charter
1-48 school in this state under Subchapter C, Chapter 32, Education
1-49 Code;

1-50 (2) an assistance organization specified by the school
1-51 district; [7] or

1-52 (3) ~~to~~ the Texas Department of Criminal Justice.
1-53 ~~[The state agency may not collect a fee or other reimbursement from~~
1-54 ~~the district, the school, or the Texas Department of Criminal~~
1-55 ~~Justice for the surplus or salvage data processing equipment.]~~

1-56 (b) If a disposition of the surplus or salvage data
1-57 processing equipment of a state eleemosynary institution or an
1-58 institution or agency of higher education is not made under other
1-59 law, the institution or agency shall transfer the equipment to:

1-60 (1) a school district or open-enrollment charter
1-61 school in this state under Subchapter C, Chapter 32, Education
1-62 Code;

1-63 (2) an assistance organization specified by the school
1-64 district; [7] or

2-1 (3) [~~to~~] the Texas Department of Criminal Justice.
2-2 (c) The state eleemosynary institution or institution or
2-3 agency of higher education or other state agency may not collect a
2-4 fee or other reimbursement from the district, the school, the
2-5 assistance organization, or the Texas Department of Criminal
2-6 Justice for the surplus or salvage data processing equipment
2-7 transferred under this section.

2-8 SECTION 3. Subsections (b) and (c), Section 2175.304,
2-9 Government Code, are amended to read as follows:

2-10 (b) The governing board of each university system or
2-11 institution or agency of higher education included within the
2-12 definition of "state agency" under Section 2151.002 shall establish
2-13 written procedures for the disposition of surplus or salvage
2-14 property of the system, institution, or agency. The procedures
2-15 shall allow for the direct transfer of materials or equipment that
2-16 can be used for instructional purposes to a public school or school
2-17 district, or an assistance organization designated by the school
2-18 district, at a price or for other consideration to which the system,
2-19 institution, or agency and the public school or school district or
2-20 the assistance organization agree or for no consideration as the
2-21 system, institution, or agency determines appropriate.

2-22 (c) The procedures established under Subsection (b) must
2-23 give preference to transferring the property directly to a public
2-24 school or school district or to an assistance organization
2-25 designated by the school district before disposing of the property
2-26 in another manner. If more than one public school or school
2-27 district or assistance organization seeks to acquire the same
2-28 property on substantially the same terms, the system, institution,
2-29 or agency shall give preference to a public school that is
2-30 considered low-performing by the commissioner of education or to a
2-31 school district that has a taxable wealth per student that entitles
2-32 the district to an allotment of state funds under Subchapter F,
2-33 Chapter 42, Education Code, or to the assistance organization
2-34 designated by such a school district.

2-35 SECTION 4. Subchapter E, Chapter 2175, Government Code, is
2-36 amended by adding Section 2175.306 to read as follows:

2-37 Sec. 2175.306. EXCEPTION FOR CERTAIN AGENCIES. This
2-38 chapter does not apply to the disposition of surplus computer
2-39 equipment by a state agency involved in the areas of health, human
2-40 services, or education, except for an agency to which Section
2-41 2175.304 applies. Those agencies shall give preference to
2-42 transferring the property to a public school, school district, or
2-43 assistance organization specified by the school district.

2-44 SECTION 5. This Act takes effect immediately if it receives
2-45 a vote of two-thirds of all the members elected to each house, as
2-46 provided by Section 39, Article III, Texas Constitution. If this
2-47 Act does not receive the vote necessary for immediate effect, this
2-48 Act takes effect September 1, 2003.

* * * * *

2-49