

BILL ANALYSIS

H.B. 3439
By: Riddle
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3439 amends the Government Code to establish that statutory provisions relating to the disposition of surplus or salvage property do not apply to property that is to be donated under statutory provisions governing the destruction or donation of surplus or salvage property. The bill expands the conditions under which the Texas Facilities Commission (TFC) is authorized to destroy or donate property to include a determination by the TFC that the state will sufficiently benefit from donating the property. The bill includes a local governmental entity among the potential recipients of donated property. The bill removes the authority of a state agency to destroy or donate surplus or salvage property that cannot otherwise be sold or disposed of in a certain manner. The bill authorizes a state agency to donate surplus or salvage property that could be resold only if the agency notifies the TFC and provides sufficient information for the TFC to be able to confirm the benefit to the state. The bill authorizes the 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. The bill establishes that a state agency that donates property under the bill's provisions is responsible for notifying the comptroller of public accounts of the donation and any benefit received that must be reported. The bill expands the actions for which TFC authorization is not required to include the deletion of donated items of another state agency from the state property accounting records.

EFFECTIVE DATE

September 1, 2015.