

SUBJECT: Allowing TFC to transfer DPS property to local law enforcement agencies

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Phillips, Nevárez, Burns, Dale, Johnson, Metcalf, Moody, M. White, Wray

0 nays

WITNESSES: For — (*Registered, but did not testify:* Keith Oakley, Associated Security Services and Investigators of the State of Texas (ASSIST); Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Kevin Lawrence and Lon Craft, Texas Municipal Police Association (TMPA); Monty Wynn, Texas Municipal League)

Against — None

On — Amanda Arriaga, Department of Public Safety; (*Registered, but did not testify:* Nicole Oria, Texas State Board of Veterinary Medical Examiners (TBVME); Marios Parpounas, Texas Facilities Commission)

BACKGROUND: Government Code, sec. 2175.182 requires state agencies to report all surplus and salvage property to the Texas Facilities Commission (TFC). The property may be offered for transfer or sold to the public.

Under sec. 2175.184, TFC has the authority to transfer the property to a state agency, political subdivision, or assistance organization at a price established by the commission, or the TFC may sell the property to the public in accordance with sec. 2175.186.

DIGEST: CSHB 229 would allow the TFC to transfer surplus motor vehicles and other law enforcement equipment of the Department of Public Safety to a municipal or county law enforcement agency if:

- the commission determined that the state's efforts to secure its

international border and combat transnational crime would sufficiently benefit from the donation; and

- the agency was in an economically disadvantaged area of Texas.

The vehicles or equipment would be transferred at a price or for other consideration that was agreed to by the commission and the recipient agency.

This bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

CSHB 229 would increase access for underserved communities to certain surplus law enforcement property to combat transnational criminal activity along the Texas-Mexico border. Underfunded law enforcement agencies in smaller counties need surplus vehicles and equipment that the Department of Public Safety (DPS) is capable of providing, and giving the Texas Facilities Commission (TFC) the option to donate this equipment at little or no cost would have a positive impact on these communities. The bill also would be sufficiently narrow to allow such priority to be given in only a few, but necessary, circumstances.

Allowing the Facilities Commission to maintain control over the surplus property under CSHB 229 would have no fiscal impact and could be implemented with existing resources. TFC already has a process in place to transfer or sell state property, and the minor revision made by CSHB 229 would streamline the process, not complicate it. Although the commission already has authority to designate the price of equipment to be sold or transferred, this bill would make it easier to determine which communities should receive priority for low-priced or free equipment. The bill also would reduce issues of discrimination and favoritism in the process.

Granting TFC clearer authority to transfer certain DPS property would be more efficient than appropriating money directly to the economically disadvantaged communities. The state budget is approved only once every two years when the Legislature convenes. Authorizing TFC to transfer property to municipalities and counties that need it would be more

efficient than requesting that the state appropriate money directly to these communities to purchase equipment.

Exceptions to TFC's sale, transfer, and disposition process already have been applied to other agencies with success. For example, under Government Code, ch. 2175, subch. F, similar exceptions already apply for surplus property of the Legislature, charitable institutions, institutions of higher education, the secretary of state, and the Office of Court Administration.

**OPPONENTS
SAY:**

CSHB 229 would be an unnecessary addition to the code because TFC already has the authority to transfer property to a state agency and to establish the price of the property.

The bill also would not be the most efficient way to deal with this problem. If the intention of the state is to ensure that economically disadvantaged communities with little funding can acquire law enforcement equipment, then the state should appropriate money directly to those communities for that purpose. TFC already can sell DPS equipment to those agencies at little or no cost. Appropriating money to those agencies to purchase equipment would have the same effect as CHSB 229 without creating extra steps for TFC and further complicating the transfer process.