

BILL ANALYSIS

Senate Research Center
76R9941 JSA-D

H.B. 3226
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Education
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Engrossed

DIGEST

Currently, Texas law directs state agencies to dispose of their surplus property to public schools, then to government agencies, and finally to certain nonprofit assistance organizations. The Texas Performance Review recommended that this approach to surplus property disposal be considered for institutions of higher education. At present, there is no effective mechanism to match the needs of schools with the surplus equipment of colleges and universities. This bill would require institutions of higher education to dispose of surplus and salvage property in the manner by which state agencies are required, and would require the Texas Higher Education Coordinating Board to establish and maintain a facility to provide notice to public schools and districts of the availability of surplus and salvage property.

PURPOSE

As proposed, H.B. 3226 sets forth guidelines for the disposition of surplus and salvage property of certain institutions of higher education.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2175.302, Government Code, as follows:

Sec. 2175.302. New heading: EXCEPTION FOR ELEEMOSYNARY INSTITUTIONS. Deletes a provision providing that this chapter is inapplicable to institutions or agencies of higher education.

SECTION 2. Amends Chapter 2175F, Government Code, by adding Section 2175.304, as follows:

Sec. 2175.304. EXCEPTION FOR INSTITUTIONS OF HIGHER EDUCATION. Provides that this section does not apply to the disposition of surplus or salvage property of a university system or of an institution or agency of higher education (institution) except as provided by this section. Requires the governing boards of each institution included within the definition of "state agency" under Section 2151.002, Government Code, to establish written procedures for the disposition of its surplus or salvage property. Sets forth requirements for the transferring of materials or equipment with regards to fees and other consideration, preferences toward public schools and districts, and preferences toward low-performing schools.

SECTION 3. Amends Chapter 61C, Education Code, by adding Section 61.085, as follows:

Sec. 61.085. ON-LINE SURPLUS PROPERTY RESOURCE. Requires the Texas Higher Education Coordinating Board (board) to establish or maintain an Internet site or other similar facility accessible to school districts to provide notice of available surplus or salvage property to be used for instructional purposes. Requires the board to operate the facility to allow a school district to make a direct inquiry to an institution regarding the possible acquisition of property by the school district. Authorizes the board to charge a fee for an institution or school district to use the facility.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.