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AN ACT

relating to surplus and salvage computer equipment.

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

SECTION 1. Subdivision (1), Section 2175.001, 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

1 Supreme Court of Texas that provides free legal services for
2 low-income households in civil matters; ~~and~~

3 (G) the Texas Boll Weevil Eradication
4 Foundation, Inc., or an entity designated by the commissioner of
5 agriculture as the foundation's successor entity under Section
6 74.1011, Agriculture Code; and

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

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

13 Sec. 2175.128. DISPOSITION OF DATA PROCESSING EQUIPMENT.

14 (a) If a disposition of a state agency's surplus or salvage data
15 processing equipment is not made under Section 2175.125 or
16 2175.184, the state agency shall transfer the equipment to:

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

20 (2) an assistance organization specified by the school
21 district;~~[r]~~ or

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

26 (b) If a disposition of the surplus or salvage data
27 processing equipment of a state eleemosynary institution or an

1 institution or agency of higher education is not made under other
2 law, the institution or agency shall transfer the equipment to:

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

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

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

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

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

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

1 system, institution, or agency determines appropriate.

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

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

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

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

1 Act takes effect September 1, 2003.

David Swinhart
President of the Senate

Jim Coakley
Speaker of the House

I hereby certify that S.B. No. 912 passed the Senate on April 10, 2003, by the following vote: Yeas 31, Nays 0. _____

Patsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 912 passed the House on May 16, 2003, by the following vote: Yeas 142, Nays 1, two present not voting. _____

Robert Haney
Chief Clerk of the House

Approved:

20 JUN '03
Date

Rick Peery
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:30 PM O'CLOCK

Ann Shea
JUN 20 2003
Secretary of State