

**TITLE 37
PART 6
CHAPTER 151
RULE § 151.55**

**PUBLIC SAFETY AND CORRECTIONS
TEXAS DEPARTMENT OF CRIMINAL JUSTICE
GENERAL PROVISIONS
Disposal of Surplus Agricultural Goods and Agricultural Personal
Property**

Proposed Amendments Preamble

The Texas Board of Criminal Justice (board) proposes amendments to § 151.55, concerning Disposal of Surplus Agricultural Goods and Agricultural Personal Property. The proposed amendments make minor grammatical updates.

Ron Steffa, Chief Financial Officer for the Texas Department of Criminal Justice (TDCJ), has determined that for each year of the first five years the proposed amendments will be in effect, enforcing or administering the proposed amendments will not have foreseeable implications related to costs or revenues for state or local government because the proposed amendments merely make minor grammatical updates.

Mr. Steffa has also determined that for each year of the first five-year period, there will not be an economic impact on persons required to comply with the rules because the proposed amendments merely make minor grammatical updates. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required.

The anticipated public benefit, as a result of enforcing the proposed amendments, will be to enhance clarity and public understanding. No cost will be imposed on regulated persons.

The proposed amendments will have no impact on government growth; no impact on local employment; no creation or elimination of a government program; no creation or elimination of employee positions; no increase or decrease in future legislative appropriations to the TDCJ; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or decrease in the number of individuals subject to the rule; and no effect upon the economy. The proposed amendments will not constitute a taking.

Comments and information such as applicable data, research, or analysis related to the cost, benefit, or effect of the proposed amendments should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, ogccomments@tdcj.texas.gov. Written comments and informational submissions from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The amendments are proposed under Texas Government Code § 492.013, which authorizes the board to adopt rules; and § 497.113, which establishes guidelines for surplus agricultural property and products.

Cross Reference to Statutes: None.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 6 TEXAS DEPARTMENT OF CRIMINAL JUSTICE
CHAPTER 151 GENERAL PROVISIONS
RULE §151.55 Disposal of Surplus Agricultural Goods and Agricultural Personal Property

(a) Policy. It is the policy of the Texas Board of Criminal Justice (TBCJ) that surplus agricultural goods produced by the Texas Department of Criminal Justice (TDCJ) and surplus agricultural personal property used in the TDCJ's agricultural operations be disposed in the most efficient manner possible for the goods or personal property being disposed.

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) "Surplus agricultural goods" are those agricultural commodities grown, produced, purchased, or acquired by the TDCJ for use within the TDCJ or other state or local agency or non-profit organization, which:

(A) exceed the needs of TDCJ operations;

(B) are not required for the TDCJ's foreseeable needs; and

(C) have been determined to be surplus by the TDCJ chief financial officer in coordination with the Manufacturing, Agribusiness and Logistics Division director.

(2) "Surplus agricultural personal property" is personal property related to the agricultural operations of the TDCJ and grown, produced, purchased, or acquired by the TDCJ, including livestock and farming equipment and implements, which:

(A) exceeds the needs of TDCJ operations;

(B) is not required for the TDCJ's foreseeable needs; and

(C) has been determined to be surplus by the chief financial officer in coordination with the Manufacturing, Agribusiness and Logistics Division director.

(c) Procedures.

(1) The TBCJ hereby authorizes the chief financial officer or designee to sell or dispose of surplus agricultural goods and surplus agricultural personal property. Sale or disposal shall be accomplished in such a manner so as to provide, if possible, reasonable consideration for the sale or disposal of such surplus items.

(2) When items of agricultural goods or agricultural personal property are considered surplus, the Manufacturing, Agribusiness and Logistics Division director shall provide a written report to the chief financial officer setting forth those items of agricultural goods and agricultural personal property considered to be surplus. In those instances requiring immediate action due to the

perishable nature of such items, the report may be transmitted via email. The chief financial officer shall review the report and determine if such items shall be sold or disposed as surplus agricultural goods or personal property.

(3) The chief financial officer shall review the report submitted as required herein and shall determine if such reported items are surplus to the needs of the TDCJ, and the terms and method of sale or disposal of such items. Sale or disposal of surplus agricultural goods or agricultural personal property includes:

- (A) sale in the usual market for such items;
- (B) direct sale by bid or negotiated sale;
- (C) exchange for other agricultural products and finished goods; and
- (D) donation of food commodities to state, local, or non-profit organizations.

(4) Proceeds from the sale of surplus agricultural goods and surplus agricultural personal property shall be deposited in the appropriate TDCJ fund to be used for purchase of agricultural goods and agricultural personal property necessary for the operation of the TDCJ.

(5) Prices of sales shall be at prevailing market prices or better.

(6) After TDCJ staff takes action on the disposition of surplus agricultural goods and agricultural personal property, a report detailing the actions shall be submitted for inclusion in the materials provided to the TBCJ at each meeting.