

SENATE BILL REPORT

SHB 3066

As of February 24, 2004

Title: An act relating to donation of surplus construction property to nonprofit corporations.

Brief Description: Donating surplus construction property to nonprofit corporations.

Sponsors: House Committee on State Government (originally sponsored by Representatives Romero, Moeller, Clibborn, D. Simpson and Ormsby).

Brief History:

Committee Activity: Government Operations & Elections: 2/25/04.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Lilah Amos (786-7429)

Background: The need for low-cost housing for Washington citizens continues to increase. Those organizations which attempt to provide low-cost housing have the ability to make use of surplus construction materials and recycled building remnants which are of little or no value to mainstream contractors or other state agencies. Concern exists that these state-owned materials are presently discarded rather than made available to a qualifying organization which could reclaim and reuse them.

The Washington Constitution, Article VIII, sections 5 and 7, prohibits the gifting of public money or property to any private entity "except for the necessary support of the poor and infirm."

State agencies which contract for or conduct demolition or construction projects have no statutory authorization to donate building remnants and scrap materials to nonprofit organizations. There is statutory authority for donation of some surplus state materials in limited situations, such as to emergency homeless shelters.

Summary of Bill: A state agency which contracts for or is responsible for demolition, repair or construction projects must notify the Department of General Administration of the availability of surplus construction property. Surplus construction property is defined as property which would otherwise be discarded, which has minimal value, and for which the cost of transport and redistribution among state agencies would exceed the value of the property.

The director of General Administration must consult with interested parties, including building trades, low-income housing groups, the used building materials industry, general contractors, the Department of Labor and Industries, higher education, and the Department of Transportation. The department must then establish a procedure for identifying and distributing the surplus property to qualifying nonprofit corporations.

The donated property or proceeds from the sale of such property must be used solely for the construction or repair of housing used by the poor or infirm. Persons who are collecting or removing donated surplus construction property from a construction project site are exempt from the statute requiring prevailing wages to be paid to laborers on public works projects. The property must be available for curbside or dockside pickup. The persons to whom the materials are donated must not engage in construction or demolition.

Appropriation: None.

Fiscal Note: Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.