

AN ACT

relating to the donation by a county of salvage and surplus property to a civic or charitable organization.

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

SECTION 1. Subsection (a), Section 263.152, Local Government Code, is amended to read as follows:

(a) The commissioners court of a county may:

(1) periodically sell the county's surplus or salvage property by competitive bid or auction, except that competitive bidding or an auction is not necessary if the purchaser is another county or a political subdivision within the county that is selling the surplus or salvage property;

(2) offer the property as a trade-in for new property of the same general type if the commissioners court considers that action to be in the best interests of the county; ~~or~~

(3) order any of the property to be destroyed or otherwise disposed of as worthless if the commissioners court undertakes to sell that property under Subdivision (1) and is unable to do so because no bids are made; or

(4) dispose of the property by donating it to a civic or charitable organization located in the county if the commissioners court determines that:

(A) undertaking to sell the property under Subdivision (1) would likely result in no bids or a bid price that

1 is less than the county's expenses required for the bid process;

2 (B) the donation serves a public purpose; and

3 (C) the organization will provide the county with
4 adequate consideration, such as relieving the county of
5 transportation or disposal expenses related to the property.

6 SECTION 2. Chapter 285, Health and Safety Code, is amended
7 by adding Subchapter Z to read as follows:

8 SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

9 Sec. 285.901. DISPOSITION OF SALVAGE AND SURPLUS PROPERTY.

10 (a) In this section:

11 (1) "Salvage property" has the meaning assigned by
12 Section 263.151, Local Government Code.

13 (2) "Surplus property" has the meaning assigned by
14 Section 263.151, Local Government Code.

15 (b) The governing board of a hospital district may dispose
16 of the hospital district's surplus or salvage property in the same
17 way that a commissioners court of a county may dispose of the
18 county's surplus or salvage property under Section 263.152, Local
19 Government Code.

20 SECTION 3. Subsection (c), Section 263.152, Local
21 Government Code, is repealed.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 705 passed the Senate on May 6, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 30, 2003, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 705 passed the House, with amendment, on May 28, 2003, by the following vote: Yeas 119, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor