

By: Van Arsdale

H.B. No. 2462

A BILL TO BE ENTITLED

AN ACT

relating to providing for the sale of certain gambling equipment seized by a law enforcement agency.

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

SECTION 1. Subchapter Z, Chapter 2175, Government Code, is amended by adding Section 2175.904 to read as follows:

Sec. 2175.904. DISPOSAL OF GAMBLING EQUIPMENT. (a) The commission shall establish a program for the sale of gambling equipment received from a commissioners court under Section 263.152(a)(5), Local Government Code.

(b) The commission may sell gambling equipment only to a person that the commission determines is a bona fide holder of a license or other authorization to sell, lease, or otherwise provide gambling equipment to others or to operate gambling equipment issued by an agency in another state or in a foreign jurisdiction where it is lawful for the person to possess gambling equipment for the intended purpose.

(c) Proceeds from the sale of gambling equipment, less the costs of the sale, including costs of advertising, storage, shipping, and auctioneer or broker services, and the amount of the fee collected under Section 2175.131, shall be divided according to an agreement between the commission and the commissioners court that provided the equipment for sale. The agreement must provide that:

1 (1) not less than 50 percent of the net proceeds be
2 remitted to the commissioners court; and

3 (2) the remainder of the net proceeds retained by the
4 commission be deposited to the credit of the general revenue fund.

5 SECTION 2. Section 263.152, Local Government Code, is
6 amended by amending Subsection (a) and adding Subsection (a-1) to
7 read as follows:

8 (a) The commissioners court of a county may:

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

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

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

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

24 (A) undertaking to sell the property under
25 Subdivision (1) would likely result in no bids or a bid price that
26 is less than the county's expenses required for the bid process;

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

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

4 (5) transfer gambling equipment in the possession of
5 the county following its forfeiture to the state to the Texas
6 Building and Procurement Commission for sale under Section
7 2175.904, Government Code.

8 (a-1) The commissioners court shall remit money received
9 from the Texas Building and Procurement Commission from the sale of
10 gambling equipment under Section 2175.904(c), Government Code,
11 less administrative expenses incurred by the county in connection
12 with the transfer and sale of the equipment, to the local law
13 enforcement agency that originally seized the equipment.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2007.