

1-1 By: Van Arsdale (Senate Sponsor - Brimer) H.B. No. 2462  
1-2 (In the Senate - Received from the House April 26, 2007;  
1-3 May 1, 2007, read first time and referred to Committee on State  
1-4 Affairs; May 15, 2007, reported favorably by the following vote:  
1-5 Yeas 8, Nays 0; May 15, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to providing for the sale of certain gambling equipment  
1-9 seized by a law enforcement agency.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter Z, Chapter 2175, Government Code, is  
1-12 amended by adding Section 2175.904 to read as follows:

1-13 Sec. 2175.904. DISPOSAL OF GAMBLING EQUIPMENT. (a) The  
1-14 commission shall establish a program for the sale of gambling  
1-15 equipment received from a commissioners court under Section  
1-16 263.152(a)(5), Local Government Code.

1-17 (b) The commission may sell gambling equipment only to a  
1-18 person that the commission determines is a bona fide holder of a  
1-19 license or other authorization to sell, lease, or otherwise provide  
1-20 gambling equipment to others or to operate gambling equipment  
1-21 issued by an agency in another state or in a foreign jurisdiction  
1-22 where it is lawful for the person to possess gambling equipment for  
1-23 the intended purpose.

1-24 (c) Proceeds from the sale of gambling equipment, less the  
1-25 costs of the sale, including costs of advertising, storage,  
1-26 shipping, and auctioneer or broker services, and the amount of the  
1-27 fee collected under Section 2175.131, shall be divided according to  
1-28 an agreement between the commission and the commissioners court  
1-29 that provided the equipment for sale. The agreement must provide  
1-30 that:

1-31 (1) not less than 50 percent of the net proceeds be  
1-32 remitted to the commissioners court; and

1-33 (2) the remainder of the net proceeds retained by the  
1-34 commission be deposited to the credit of the general revenue fund.

1-35 SECTION 2. Section 263.152, Local Government Code, is  
1-36 amended by amending Subsection (a) and adding Subsection (a-1) to  
1-37 read as follows:

1-38 (a) The commissioners court of a county may:

1-39 (1) periodically sell the county's surplus or salvage  
1-40 property by competitive bid or auction, except that competitive  
1-41 bidding or an auction is not necessary if the purchaser is another  
1-42 county or a political subdivision within the county that is selling  
1-43 the surplus or salvage property;

1-44 (2) offer the property as a trade-in for new property  
1-45 of the same general type if the commissioners court considers that  
1-46 action to be in the best interests of the county;

1-47 (3) order any of the property to be destroyed or  
1-48 otherwise disposed of as worthless if the commissioners court  
1-49 undertakes to sell that property under Subdivision (1) and is  
1-50 unable to do so because no bids are made; ~~or~~

1-51 (4) dispose of the property by donating it to a civic  
1-52 or charitable organization located in the county if the  
1-53 commissioners court determines that:

1-54 (A) undertaking to sell the property under  
1-55 Subdivision (1) would likely result in no bids or a bid price that  
1-56 is less than the county's expenses required for the bid process;

1-57 (B) the donation serves a public purpose; and

1-58 (C) the organization will provide the county with  
1-59 adequate consideration, such as relieving the county of  
1-60 transportation or disposal expenses related to the property; or

1-61 (5) transfer gambling equipment in the possession of  
1-62 the county following its forfeiture to the state to the Texas  
1-63 Building and Procurement Commission for sale under Section  
1-64 2175.904, Government Code.

