

House Bill 497

By: Representatives Stovall of the 74th, Kidd of the 145th, Frye of the 118th, and Glanton of the 75th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
2 relating to disposition of surplus state property, so as to provide for the offer of surplus
3 property to charitable institutions at no charge prior to disposition by other means in certain
4 instances; to provide for limitations; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 4 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to
9 disposition of surplus state property, is amended by revising Code Section 50-5-144, relating
10 to the transfer of surplus state property to charitable institutions or public corporations by
11 negotiated sale, as follows:

12 "50-5-144.

13 (a) As used in this Code section, the term:

14 ~~(1) 'Charitable institution'~~ 'charitable institution' means any nonprofit tax-exempt person,
15 firm, or corporation providing services within this state which has been in existence as
16 such for at least two years and which maintains no more than 15 full-time employees.

17 ~~(2) 'Public corporation' means any public authority or other public corporation created~~
18 ~~by or pursuant to state law.~~

19 (b) Notwithstanding the provisions of ~~In addition to any other authority provided by Code~~
20 ~~Sections 50-5-140 through 50-5-143, this Code section, and Code Section 50-5-146,~~ the
21 Department of Administrative Services shall ~~be authorized to dispose of surplus property,~~
22 ~~including surplus property subject to paragraph (7) of Code Section 50-5-51, by the transfer~~
23 ~~of the property, prior to the disposition of surplus property by any other authorized means,~~
24 offer to convey such surplus property to any charitable institution ~~or public corporation~~
25 through a negotiated sale at no charge if the department determines that such ~~sale would~~
26 ~~be in the best interests of the state, and, under the circumstances, the negotiated sales price~~

27 ~~would constitute a reasonable consideration for the property conveyance would~~
 28 substantially serve the public interest. The Department of Administrative Services shall
 29 develop procedures to ensure the equitable and efficient conveyance of surplus property
 30 to charitable institutions in furtherance of this Code section. The total fair market value of
 31 all property received by a charitable institution pursuant to this Code section shall not
 32 exceed \$2,000.00 in any fiscal year.

33 (c) When any surplus property is ~~sold~~ conveyed to a charitable institution ~~or to a public~~
 34 ~~corporation~~ pursuant to subsection (b) of this Code section, the subsequent sale of such
 35 property by such charitable institution shall be subject to the following conditions:

36 (1) The property shall not be ~~resold~~ sold by the ~~purchaser~~ charitable institution within
 37 one year after the ~~sale~~ conveyance without the written consent of the Department of
 38 Administrative Services; and

39 (2) The Department of Administrative Services shall have the right and obligation to
 40 supervise the ~~resale~~ sale of the property at public outcry to the highest responsible bidder
 41 if the ~~resale~~ sale is within one year after the ~~sale~~ and, if the ~~resale price exceeds the~~
 42 ~~original negotiated sales price, the amount of the excess~~ conveyance. All proceeds from
 43 such sale shall be paid to the Department of Administrative Services.

44 (d) In the event that a charitable institution does not maintain its status as such for five
 45 years following the conveyance of any property pursuant to this Code section, such
 46 property shall be conveyed back to the state unless the Department of Administrative
 47 Services allows otherwise."

48 SECTION 2.

49 All laws and parts of laws in conflict with this Act are repealed.