

By: Armbrister

S.B. No. 1264

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the donation by political subdivisions of outdated or
3 surplus fire-protection and emergency services equipment to
4 certain fire departments.

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

6 SECTION 1. Chapter 272, Local Government Code, is amended
7 by adding Section 272.005 to read as follows:

8 Sec. 272.005. DONATION OF OUTDATED OR SURPLUS
9 FIRE-PROTECTION AND EMERGENCY SERVICES EQUIPMENT. (a) In this
10 section, "fire-protection and emergency services equipment" means
11 equipment or supplies, including vehicles and other personal
12 property, related to fire-protection, fire-fighting, or emergency
13 services.

14 (b) A political subdivision may donate outdated or surplus
15 fire-protection and emergency services equipment to a fire
16 department described by Section 52i, Article III, Texas
17 Constitution, that:

18 (1) serves a rural area with a population of not more
19 than 20,000; or

20 (2) has an annual budget of less than \$75,000.

21 (c) For a period of not less than 15 days before the date of
22 donating fire-protection and emergency services equipment under
23 other law, a political subdivision must:

24 (1) post on an Internet site operated by or for the

1 political subdivision an itemized list of the fire-protection and
2 emergency services equipment it plans to donate; or

3 (2) publish at least one time an itemized list of the
4 fire-protection and emergency services equipment it plans to donate
5 in at least three newspapers, the combined circulation of which
6 will give reasonable circulation throughout the state.

7 (d) During the 15-day period under Subsection (c), a
8 political subdivision shall allow the chief of an eligible fire
9 department under Subsection (b), or the chief's designee, to
10 conduct an in-person inspection of the fire-protection and
11 emergency services equipment.

12 (e) If a municipality plans to donate fire-protection and
13 emergency services equipment to an underdeveloped country and an
14 eligible fire department under Subsection (b) submits a written
15 request to the municipality for an item of that equipment not later
16 than the fifth working day after the expiration of the 15-day period
17 under Subsection (c), the municipality may not donate the item to an
18 underdeveloped country and must:

19 (1) donate the item to the requesting eligible fire
20 department; or

21 (2) sell the item by public auction.

22 (f) If two or more eligible fire departments submit written
23 requests for the same item to a political subdivision, the
24 political subdivision shall donate the item to the requesting
25 eligible fire department with the greatest need, as determined by
26 the Texas Forest Service.

27 (g) A political subdivision may not donate to an eligible

1 fire department under Subsection (b) more than two vehicles during
2 an 18-month period.

3 SECTION 2. The heading to Chapter 272, Local Government
4 Code, is amended to read as follows:

5 SALE, ~~OR~~ LEASE, OR DONATION OF PROPERTY BY MUNICIPALITIES,
6 COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

7 SECTION 3. This Act takes effect when the constitutional
8 amendment proposed by the 78th Legislature, Regular Session, 2003,
9 authorizing political subdivisions to donate outdated or surplus
10 fire-protection and emergency services equipment to certain fire
11 departments is approved by the voters. If that proposed
12 constitutional amendment is not approved by the voters, this Act
13 has no effect.