

By: Bolton, et al.

H.B. No. 2737

Substitute the following for H.B. No. 2737:

By: Davis of Harris

C.S.H.B. No. 2737

A BILL TO BE ENTITLED

AN ACT

relating to the sale of used, surplus, or salvage property and firefighting equipment by an emergency services district.

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

SECTION 1. Chapter 775, Health and Safety Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. SURPLUS AND SALVAGE PROPERTY

Sec. 775.251. SALE AND DISPOSITION OF SURPLUS OR SALVAGE PROPERTY. (a) In this section:

(1) "Salvage property" means personal property, other than wastepaper, that because of use, time, or accident is so damaged, used, or consumed that it has no value for the purpose for which it was originally intended.

(2) "Surplus property" means personal property that is in excess of the needs of its owner, that is not required for the owner's foreseeable needs, and that possesses some usefulness for the purpose for which it was intended or for some other purpose.

(3) "Volunteer fire department" means an association that:

(A) operates firefighting equipment;

(B) is organized primarily to provide and actively provides firefighting services;

(C) does not pay its members compensation other than nominal compensation; and

1           (D) does not distribute any of its income to its  
2 members, officers, or governing body, other than for reimbursement  
3 of expenses.

4           (b) Notwithstanding other law, a district may sell surplus  
5 firefighting equipment, including equipment described by Sections  
6 419.040 and 419.041, Government Code, to any volunteer fire  
7 department or district in this state for fair market value if the  
8 equipment:

9           (1) met the National Fire Protection Association  
10 Standards at the original time of purchase; and

11           (2) at the time of the sale:

12           (A) meets the National Fire Protection  
13 Association Standards in effect at the original time of purchase;  
14 or

15           (B) meets the National Fire Protection  
16 Association Standards in effect.

17           (c) A district may contract to supply surplus property to  
18 any volunteer fire department or district in this state at fair  
19 market value.

20           (d) A district may sell salvage property to any person in  
21 this state for fair market value. If a district is unable to sell  
22 the property for fair market value, the district may destroy or  
23 otherwise dispose of the property as worthless.

24           (e) The district may determine the fair market value of  
25 surplus and salvage property sold under Subsections (b), (c), and  
26 (d).

27           SECTION 2. This Act takes effect September 1, 2009.