

By: Bolton

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 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 used
5 firefighting equipment, including equipment described by Sections
6 419.040 and 419.041, Government Code, to a volunteer fire
7 department in any district or to another district for fair market
8 value if the equipment met the National Fire Protection Association
9 Standards at the original time of purchase.

10 (c) A district may contract to supply surplus or salvage
11 property to any volunteer fire department or district in this state
12 at fair market value.

13 (d) The district may determine the fair market value of used
14 equipment, surplus property, and salvage property sold under
15 Subsections (b) and (c).

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