

1-1 By: Watson S.B. No. 1485
1-2 (In the Senate - Filed March 6, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 6, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 6, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1485 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the sale of surplus or salvage property and
1-11 firefighting equipment by an emergency services district.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 775, Health and Safety Code, is amended
1-14 by adding Subchapter I to read as follows:

1-15 SUBCHAPTER I. SURPLUS AND SALVAGE PROPERTY

1-16 Sec. 775.251. SALE AND DISPOSITION OF SURPLUS OR SALVAGE
1-17 PROPERTY. (a) In this section:

1-18 (1) "Salvage property" means personal property, other
1-19 than wastepaper, that because of use, time, or accident is so
1-20 damaged, used, or consumed that it has no value for the purpose for
1-21 which it was originally intended.

1-22 (2) "Surplus property" means personal property that is
1-23 in excess of the needs of its owner, that is not required for the
1-24 owner's foreseeable needs, and that possesses some usefulness for
1-25 the purpose for which it was intended or for some other purpose.

1-26 (3) "Volunteer fire department" means an association
1-27 that:

1-28 (A) operates firefighting equipment;

1-29 (B) is organized primarily to provide and
1-30 actively provides firefighting services;

1-31 (C) does not pay its members compensation other
1-32 than nominal compensation; and

1-33 (D) does not distribute any of its income to its
1-34 members, officers, or governing body, other than for reimbursement
1-35 of expenses.

1-36 (b) Notwithstanding other law, a district may sell surplus
1-37 firefighting equipment, including equipment described by Sections
1-38 419.040 and 419.041, Government Code, to any volunteer fire
1-39 department or district in this state for fair market value if the
1-40 equipment:

1-41 (1) met the National Fire Protection Association
1-42 Standards at the original time of purchase; and

1-43 (2) at the time of the sale:

1-44 (A) meets the National Fire Protection
1-45 Association Standards in effect at the original time of purchase;
1-46 or

1-47 (B) meets the National Fire Protection
1-48 Association Standards in effect.

1-49 (c) A district may contract to supply surplus property to
1-50 any volunteer fire department or district in this state at fair
1-51 market value.

1-52 (d) A district may sell salvage property to any person in
1-53 this state for fair market value. If a district is unable to sell
1-54 the property for fair market value, the district may destroy or
1-55 otherwise dispose of the property as worthless.

1-56 (e) The district may determine the fair market value of
1-57 surplus and salvage property sold under Subsections (b), (c), and
1-58 (d).

1-59 SECTION 2. This Act takes effect September 1, 2009.

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