

BILL ANALYSIS

H.B. 712
By: Murphy
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current state law authorizes certain counties to provide fire-fighting equipment to volunteer fire departments and municipalities that petition to receive the equipment but requires a county providing such equipment to keep the equipment in good working order and to make all necessary repairs or replacements. Interested parties contend that this requirement places a continuing burden on the county for the service life of the equipment, and since there is no defined end to equipment service life, the county obligation could extend far beyond the equipment's originally anticipated service life. Furthermore, parties contend that a question of county liability may arise if a repair is not made and damage results from the lack of repair.

H.B. 712 seeks to bring the law in line with historical practice by making the entity that petitions for and receives the donated equipment responsible for all repairs and maintenance, including parts and labor. Other entities could benefit from this change by allowing a county to procure equipment for those other entities without the burden of responsibility for the equipment's maintenance and repair.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 712 amends the Local Government Code to require a governing body of a municipality that has a volunteer fire department, or a specified group of residents in an unincorporated community who have organized or will organize a volunteer fire department within a reasonable time, that petitions the county commissioners court to furnish fire-fighting equipment to keep such equipment in good working order, make all necessary repairs or replacements, and provide labor and materials for repairs, rather than requiring the county to keep the fire-fighting equipment in good working order and make all necessary repairs and replacements. The bill removes a provision requiring the commissioners court to determine if a repair or replacement is necessary and to require that repair work, including labor and materials, be provided as much as possible by the court's shops that it designates.

EFFECTIVE DATE

September 1, 2013.