

BILL ANALYSIS

Senate Research Center

S.B. 1485
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Intergovernmental Relations
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, emergency services districts (ESDs) are required to dispose of used, surplus, or salvage property via competitive bid or auction, and there is no statutory exception from the requirement, even in connection with purchase by another district or volunteer fire department.

S.B. 1485 authorizes an ESD to sell surplus firefighting equipment to another district or volunteer fire department at fair market value and authorizes a district to contract with another district or volunteer fire department for the use of its surplus property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 775, Health and Safety Code, by adding Subchapter I, as follows:

SUBCHAPTER I. SURPLUS AND SALVAGE PROPERTY

Sec. 775.251. SALE AND DISPOSITION OF SURPLUS OR SALVAGE PROPERTY.

(a) Defines "salvage property," "surplus property," and "volunteer fire department."

(b) Authorizes an emergency services district (ESD), notwithstanding other law, to sell surplus firefighting equipment, including equipment described by Sections 419.040 (Protective Clothing) and 419.041 (Self-Contained Breathing Apparatus), Government Code, to any volunteer fire department or district in this state for fair market value if the equipment met the National Fire Protection Association Standards (standards) at the original time of purchase, and at the time of the sale meets the standards in effect at the original time of purchase, or meets the standards in effect.

(c) Authorizes an ESD to contract to supply surplus property to any volunteer fire department or ESD in this state at fair market value.

(d) Authorizes an ESD to sell salvage property to any person in this state for fair market value. Authorizes an ESD, if the ESD is unable to sell the property for fair market value, to destroy or otherwise dispose of the property as worthless.

(e) Authorizes the ESD to determine the fair market value of surplus and salvage property sold under Subsections (b), (c), and (d).

SECTION 2. Effective date: September 1, 2009.