

## CHAPTER 354

## H.B. No. 128

An Act relating to the authority of a county to contract with a volunteer fire department and to supply fire-fighting equipment to certain communities.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 1, Chapter 235, Acts of the 52nd Legislature, 1951 (Article 2351a-5, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. (a) *In this Act:*

(1) "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.

(2) "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.

(b) The commissioners court of any county may contract with any incorporated volunteer fire department which is located within the county [~~but not within the corporate limits of any city or town,~~] for the purpose of furnishing fire protection services to areas of the county which are not within the corporate limits of a city or town. The terms of the contract may be as mutually agreed upon by the commissioners court and the volunteer fire department. The commissioners court may pay for the services under the contract out of the general fund of the county.

(c) The commissioners court of a county may contract to supply surplus or salvage property to any incorporated volunteer fire department with which the commissioners court has contracted under Subsection (b) of this section.

**SECTION 2.** Sections 4 and 5, Chapter 336, Acts of the 48th Legislature, 1943 (Article 2351a-3, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 4. When at least twenty-five (25) citizens, living in any unincorporated village, town or community, who have, or will organize within a reasonable time, a volunteer fire department recognized by the Insurance Commission of the State of Texas, and who are in all respects qualified to vote in a county bond election, petition the Commissioners Court for fire fighting equipment, [~~it may be the duty of~~] the Commissioners Court ~~may~~ [~~to~~] enter into a contract to [~~and~~] furnish such fire fighting equipment, subject to and in accordance with the provisions of this Act.

Sec. 5. Fire fighting equipment acquired by a county for the purpose of furnishing equipment under the authority of this Act shall be purchased on competitive bids as required for other purchases by a county [~~The term "fire fighting equipment" referred to herein shall mean a four hundred gallon booster tank mounted on a suitable truck chassis, equipped with a front end pump and other necessary appliances and equipment. Total initial cost of each unit of fire fighting equipment shall in no instance exceed the sum of Two Thousand Seven Hundred and Fifty Dollars (\$2,750).~~]

**SECTION 3.** This Act takes effect September 1, 1985.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 19, 1985, by a non-record vote; passed by the Senate on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 10, 1985

Effective: September 1, 1985