

1-1 AN ACT
1-2 relating to used fire control or fire rescue equipment donated to
1-3 or made available by the Texas Forest Service.
1-4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-5 SECTION 1. Section 88.106, Education Code, is amended to
1-6 read as follows:
1-7 Sec. 88.106. COOPERATION WITH FEDERAL AGENCIES; RURAL FIRE
1-8 PROTECTION PLANS; FIRE TRAINING; DISPOSITION OF USED OR OBSOLETE
1-9 EQUIPMENT. (a) The director, under the supervision of the board,
1-10 may cooperate on forestry projects with the National Forest
1-11 Service and other federal agencies; and, subject to the
1-12 authorization of the board, he may execute agreements relating to
1-13 forest protection projects in cooperation with federal agencies and
1-14 timberland owners and may also execute agreements with timberland
1-15 owners involving supervision of forest protection and forest
1-16 development projects when the projects are developed with the aid
1-17 of loans from a federal agency and when the supervision by the
1-18 state is required by federal statute or is deemed necessary by the
1-19 federal agency.
1-20 (b) Under the supervision of the board, the director may:
1-21 (1) [is further authorized to] cooperate in the
1-22 development of rural fire protection plans;
1-23 (2) [, to] provide training in suppression of fires;
1-24 [,] and
2-1 (3) [to] sell, lend, or otherwise make available to
2-2 volunteer fire departments used or [organized fire fighting groups]
2-3 obsolete fire control or fire rescue equipment available to the
2-4 Texas Forest Service, including federal excess or surplus property.
2-5 (c) A person may donate used or obsolete fire control or
2-6 fire rescue equipment to the Texas Forest Service for the service's
2-7 use or the service's distribution to other volunteer fire
2-8 departments.
2-9 (d) A person is not liable in civil damages for personal
2-10 injury, property damage, or death resulting from a defect in
2-11 equipment donated in good faith by the person under this section
2-12 unless the person's act or omission proximately causing the claim,
2-13 damage, or loss constitutes malice, gross negligence, recklessness,
2-14 or intentional misconduct. The Texas Forest Service and its
2-15 director and other officers and employees are not liable in civil
2-16 damages for personal injury, property damage, or death resulting
2-17 from a defect in equipment sold, loaned, or otherwise made
2-18 available in good faith by the director under this section unless

2-19 the act or omission of the service or its director, officer, or
2-20 employee proximately causing the claim, damage, or loss constitutes
2-21 malice, gross negligence, recklessness, or intentional misconduct.

2-22 (e) In this section, "fire control or fire rescue equipment"
2-23 includes a vehicle, fire fighting tool, protective gear, breathing
2-24 apparatus, and other supplies and tools used in fire fighting or
2-25 fire rescue. A breathing apparatus that is donated to the Texas
2-26 Forest Service will be recertified to manufacturer's specifications
2-27 before it is made available to an authorized group by a technician
3-1 certified by the manufacturer.

3-2 SECTION 2. This Act takes effect September 1, 1997, and
3-3 applies only to a cause of action that accrues on or after that
3-4 date. An action that accrued before the effective date of this Act
3-5 is governed by the law in effect at the time the action accrued,
3-6 and that law is continued in effect for that purpose.

3-7 SECTION 3. The importance of this legislation and the
3-8 crowded condition of the calendars in both houses create an
3-9 emergency and an imperative public necessity that the
3-10 constitutional rule requiring bills to be read on three several
3-11 days in each house be suspended, and this rule is hereby suspended.

President of the Senate

Speaker of the House

I certify that H.B. No. 680 was passed by the House on March 18, 1997, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 680 on April 17, 1997, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 680 was passed by the Senate, with amendments, on April 8, 1997, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor