

SUBJECT: Allowing city donation of used firefighting equipment to foreign countries

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 8 ayes — Carter, Burnam, Callegari, Edwards, Ehrhardt, Hill, E. Jones,  
Najera

0 nays

1 absent — Bailey

SENATE VOTE: On final passage, April 24 — 28-1 (Ogden)

WITNESSES: None

BACKGROUND: Education Code, sec. 88.106 authorizes the director of the Board of Regents of the Texas A&M University System to sell, lend, or make available used or obsolete firefighting equipment to the Texas Forest Service for the service's use or for the service to distribute to other volunteer fire departments.

Government Code, sec. 791.011 authorizes a local government to contract with another local government in this state or a bordering state to provide firefighting services.

Texas Constitution, Art. 3, sec. 52, prohibits the Legislature from authorizing any county, city, town, or other political subdivision from lendings its credit or granting public money or any thing of value to any individual or corporation, with certain specified exceptions such as for economic development purposes.

DIGEST: SJR 32 would amend the Texas Constitution to add Art. 3, sec. 52h, authorizing a municipality to donate outdated or surplus firefighting equipment, supplies, or other materials to an underdeveloped country.

The proposal would be presented to the voters at an election on November 6, 2001. The ballot proposal would read: "The constitutional amendment

authorizing municipalities to donate outdated or surplus firefighting equipment or supplies to underdeveloped countries.”

**SUPPORTERS  
SAY:**

SJR 32 would be a helpful goodwill gesture toward Mexico, a country that is in desperate need of firefighting equipment. The equipment in question is outdated, and although still useable, no longer meets departmental standards in Texas. Some firefighting forces in Mexico have no appropriate gear or equipment, and SJR 32 would help our international neighbors with public and firefighter safety.

Donating equipment to some border areas could help protect Texas cities and parklands too. Uncontained fires on the border of Mexico could spread across the border to Texas. Dry southwestern landscapes are vulnerable to fires, and winds know no borders. Equipment sent to Mexico would be a good investment in border safety.

SJR 32 would not make the donation of equipment mandatory. Municipalities would retain discretion on how to dispose of outdated equipment, whether to a developing country like Mexico, or to other Texas cities or bordering states. Also, agreements would be made between the donating departments and the foreign municipalities, not between individuals.

**OPPONENTS  
SAY:**

Some fire departments in Texas and in bordering states do not have enough equipment. Local governments should be given priority when equipment is ready to be donated before it is sent to a foreign country.