

## **BILL ANALYSIS**

Senate Research Center  
78R8067 KEG-D

C.S.S.B. 407  
By: Deuell  
State Affairs  
3/25/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Under current Texas law, political units may enter interlocal agreements to provide mutual support and services. If a governmental unit contracts to furnish or obtain fire protection from another unit, the unit that would be responsible for furnishing such services if the contract did not exist is responsible for any civil liability that arises from the furnishing of the services. C.S.S.B. 407 makes it clear that the unit requesting the services shall bear responsibility for civil liability only in a case where no contract exists. C.S.S.B. 407 changes the language of the code to include emergency and law enforcement services under these provisions as well.

### **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 the heading of Section 791.006, Government Code, to read as follows:

Sec. 791.006. LIABILITY IN ABSENCE OF CONTRACT FOR PROVISION OF FIRE, EMERGENCY, OR LAW ENFORCEMENT SERVICES.

SECTION 2. Amends Section 791.006, Government Code, by amending Subsection (a) and adding Subsections (d) and (e), as follows:

(a) Provides that, in the absence of a contract to the contrary, if a governmental unit furnishes fire or emergency services to another governmental unit, the unit that requests the services is responsible for any civil liability that arises from the furnishing of those services.

(d) Provides that nothing in this section affects the employer-employee relationship or the terms of employment between a governmental unit and its employees, such as provision of benefits or payment of wages.

(e) Provides that "governmental unit" does not include a school district, for the purposes of this section.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2003.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 2: Differs from the original by adding Subsections (d) and (e) to Section 791.006, Government Code.