

BILL ANALYSIS

Senate Research Center
79R2148 KEG-F

S.B. 864
By: Deuell
State Affairs
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current Texas law, political units may enter into interlocal agreements to provide mutual support and services. If a governmental unit contracts to furnish or obtain fire protection services from another unit, the unit that would be responsible for furnishing such services if the contract did not exist would be responsible for any civil liability that arises from the furnishing of the services.

As proposed, S.B. 864 clarifies that the political unit requesting fire protection services shall bear responsibility for civil liability only in a case where no contract exists.

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 Section 791.006, Government Code, as follows:

Sec. 791.006. New heading: LIABILITY FOR PROVISION OF FIRE, EMERGENCY, OR LAW ENFORCEMENT SERVICES. (a) Authorizes governmental units that contract under this chapter to furnish or obtain fire or emergency services to include in the contract a provision to determine the party responsible for any civil liability that arises from furnishing those services rather than making the governmental unit that would have been responsible for furnishing the services in the absence of the contract responsible for any civil liability that arises from furnishing the services of a fire department.

(b) Provides that each governmental unit is responsible for any civil liability that arises from its own actions as a result of furnishing or obtaining the services if a municipality or county furnishes fire or emergency services to another municipality in the absence of a contract provision that determines civil liability. Makes nonsubstantive changes.

(c) Provides that nothing in this section affects the employer-employee relationship or the terms or conditions of employment between a governmental unity and its employees, including payment of wages and the provision of benefits such as workers' compensation benefits. Provides that nothing in this section applies to or affects a public school district. Makes nonsubstantive changes.

SECTION 2. (a) Provides that the change in law made by this Act to Section 791.006, Government Code, does not affect any civil liability for services furnished under an interlocal cooperation contract to furnish or obtain the services of a fire department entered into before the effective date of this Act.

(b) Provides that the former law is continued in effect for the purpose of determining liability, if any, for services furnished under an interlocal cooperation contract to furnish or obtain the services of a fire department entered into before the effective date of this Act.

SECTION 3. Makes application of this Act prospective subject to Section 2 of this Act.

SECTION 4. Effective date: upon passage or September 1, 2005.