

BILL ANALYSIS

C.S.S.B. 407
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Civil Practices
Committee Report (Substituted)

BACKGROUND 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.

CSSB 407 makes it clear that the unit requesting the services shall bear responsibility for civil liability only in a case where no contract exists. CSSB 407 changes the language of the code to include emergency and law enforcement services under these provisions as well.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSSB 407 amends the heading of Section 791.006, Government Code, to read as follows: **LIABILITY IN ABSENCE OF CONTRACT FOR PROVISION OF FIRE, EMERGENCY, OR LAW ENFORCEMENT SERVICES.**

Amends Section 791.006, Government Code, by amending Subsection (a) to provide 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. Subsections (d) clarifies 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 or provision of benefits, including worker compensation. Subsection (e) provides that "governmental unit" does not include a school district, for the purposes of this section.

EFFECTIVE DATE

Upon passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSSB 407 differs from the engrossed version by changing Subsection (a) to clarify that in the absence of a contract addressing liability, the governmental unit that requests and obtains the services is responsible for any civil liability that arises from furnishing those services. It adds "including worker compensation" to Subsection (d) and adds a new Subsection (e) to read "Nothing in this section affects a school district."