

By: Deuell

S.B. No. 407

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a governmental unit in the absence of a contract for fire or emergency services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The section heading of Section 791.006, Government Code, is amended to read as follows:

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

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

(a) In the absence of a contract, if a governmental unit furnishes fire or emergency services to another governmental unit, the governmental unit that requests and obtains the services [~~if governmental units contract under this chapter to furnish or obtain the services of a fire department, the governmental unit that would have been responsible for furnishing the services in the absence of the contract~~] is responsible for any civil liability that arises from the furnishing of those services.

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

1           (e) For the purposes of this section, "governmental unit"  
2 does not include a school district.

3           SECTION 3. (a) The change in law made by this Act to  
4 Section 791.006, Government Code, does not affect any civil  
5 liability for services furnished under an interlocal cooperation  
6 contract to furnish or obtain the services of a fire department  
7 entered into before the effective date of this Act.

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

13           SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2003.