

1-1 By: Deuell S.B. No. 407  
1-2 (In the Senate - Filed February 6, 2003; February 17, 2003,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 26, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; March 26, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 407 By: Ellis

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the liability of a governmental unit in the absence of a  
1-11 contract for fire or emergency services.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The section heading of Section 791.006,  
1-14 Government Code, is amended to read as follows:

1-15 Sec. 791.006. LIABILITY IN ABSENCE OF [~~FIRE PROTECTION~~]  
1-16 CONTRACT FOR [~~OR~~] PROVISION OF FIRE, EMERGENCY, OR LAW ENFORCEMENT  
1-17 SERVICES.

1-18 SECTION 2. Section 791.006, Government Code, is amended by  
1-19 amending Subsection (a) and adding Subsections (d) and (e) to read  
1-20 as follows:

1-21 (a) In the absence of a contract, if a governmental unit  
1-22 furnishes fire or emergency services to another governmental unit,  
1-23 the governmental unit that requests and obtains the services [~~if~~  
1-24 governmental units contract under this chapter to furnish or obtain  
1-25 the services of a fire department, the governmental unit that would  
1-26 have been responsible for furnishing the services in the absence of  
1-27 the contract] is responsible for any civil liability that arises  
1-28 from the furnishing of those services.

1-29 (d) Nothing in this section affects the employer-employee  
1-30 relationship or the terms or conditions of employment between a  
1-31 governmental unit and its employees, such as the payment of wages or  
1-32 provision of benefits.

1-33 (e) For the purposes of this section, "governmental unit"  
1-34 does not include a school district.

1-35 SECTION 3. (a) The change in law made by this Act to  
1-36 Section 791.006, Government Code, does not affect any civil  
1-37 liability for services furnished under an interlocal cooperation  
1-38 contract to furnish or obtain the services of a fire department  
1-39 entered into before the effective date of this Act.

1-40 (b) The former law is continued in effect for the purpose of  
1-41 determining liability, if any, for services furnished under an  
1-42 interlocal cooperation contract to furnish or obtain the services  
1-43 of a fire department entered into before the effective date of this  
1-44 Act.

1-45 SECTION 4. This Act takes effect immediately if it receives  
1-46 a vote of two-thirds of all the members elected to each house, as  
1-47 provided by Section 39, Article III, Texas Constitution. If this  
1-48 Act does not receive the vote necessary for immediate effect, this  
1-49 Act takes effect September 1, 2003.

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