

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 14, 2005

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB864 by Deuell (Relating to the liability of certain local governments for fire, emergency, or law enforcement services provided to another local government.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize governmental units that contract to furnish or obtain fire or emergency services to include in the contract which party would be responsible for any civil liability that arises from the furnishing of those services. In the absence of a contract that has a liability provision, if a municipality or county furnishes fire or emergency services to another municipality or county, each governmental unit would be responsible for any civil liability arising from its own actions as a result of furnishing or obtaining those services. The liability issues would not impact the employer-employee relationship or terms or conditions of employment with the entity and the liability issues would not apply to or affect a public school district.

The bill would take effect immediately if it receives a two-thirds vote in each house; otherwise, it would take effect September 1, 2005. An interlocal cooperation contract entered into prior to the effective date would not be affected by the change in statute.

Under current law, when law enforcement or fire services are provided by one government entity at the request of another entity, any liability automatically defaults to the requesting entity in the absence of a contract that states otherwise. The proposed statute would apply to emergency services as well.

Local Government Impact

Local government costs would be for insurance by the entity determined to be civilly liable, whether by means of default or through agreement in a contract. It is assumed that a government entity would normally carry appropriate insurance coverage and that the premiums would be less expensive than incurring actual costs for potential damages.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SR, DLBa