

## **BILL ANALYSIS**

Senate Research Center

S.B. 407  
By: Deuell  
State Affairs  
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Enrolled

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

### **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 the heading of Section 791.006, Government Code, to read as follows:

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

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

(a) Authorizes governmental units that contract under this chapter to furnish or obtain fire or emergency services to determine by contract which party is responsible for any civil liability that arises from the furnishing of those services. Provides that, in the absence of a contract addressing liability, if a governmental unit furnishes fire or emergency services to another governmental unit, the unit that requests and obtains the services is responsible for any civil liability that arises from the furnishing of those services.

(d) Provides that 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 payment of wages or provision of benefits.

(e) Provides that nothing in this section affects a school district.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2003.