

BILL ANALYSIS

Senate Research Center
77R10633 ATP-D

H.B. 785
By: Isett (Duncan)
Intergovernmental Relations
5/4/2001
Engrossed

DIGEST AND PURPOSE

The Government Code allows political units to enter into interlocal agreements. These types of agreements include garbage collection, right of way maintenance, library support and use, and mutual aid agreements. Currently, the Government Code provides that if a governmental unit contracts to furnish or obtain fire protection, the governmental unit that would be responsible for furnishing these services in the absence of a contract is responsible for any civil liability that arises. This means that even if a contract is present, the requester bears liability. H.B. 785 sets forth provisions relating to the liability for performing services of a fire department or law enforcement service for another governmental unit.

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 Section 791.006, Government Code, as follows:

Sec. 791.006. **LIABILITY IN FIRE PROTECTION CONTRACT OR PROVISION OF LAW ENFORCEMENT SERVICES.** (a) Provides that 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.

(b) Provides that, in the absence of a contract, if a governmental unit furnishes to or obtains from another governmental unit law enforcement services, the governmental unit that requests and obtains the services is responsible for any civil liability that arises from the furnishing of those services.

(c) Provides that nothing in this section changes the liability limits for a governmental unit provided by the tort claims law, Chapter 101, Civil Practice and Remedies Code, or other state law.

SECTION 2. Effective date: September 1, 2001.