

BILL ANALYSIS

Senate Research Center
78R2470 KEG-F

S.B. 407
By: Deuell
State Affairs
3/10/2003
As Filed

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. As proposed, 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. In addition, 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 ABSENCE OF CONTRACT FOR PROVISION OF FIRE, EMERGENCY, OR LAW ENFORCEMENT SERVICES.

SECTION 2. Amends Section 791.006(a), Government Code, to provide that, in the absence of a contract to the contrary, if a governmental unit furnishes fire or emergency services to another governmental unit, the unit that requests the services is responsible for any civil liability that arises from the furnishing of those services.

SECTION 3. Makes application of this Act prospective.

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