

thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I
have signed my name officially
and caused the Seal of the State
to be affixed hereto at Austin,
this 20th day of June, 2003.

Rick Perry

RICK PERRY
Governor of Texas

ATTESTED BY:

Gwyn Shea
GWYN SHEA
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 pm O'CLOCK

JUN 21 2003

PROCLAMATION
BY THE
Governor of the State of Texas
41-2960

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 407 as passed by the Seventy-Eighth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 407 attempts to encourage cities with fire departments and emergency services to make those services available to neighboring local government entities that do not have them. Unfortunately, the bill would have the exact opposite effect.

Current law provides that when two governmental units contract to furnish or obtain fire services, the city furnishing the services cannot be sued for injuries or property damage that might be caused by the services.

The city receiving the services "is responsible for any civil liability that arises from the furnishing of those services." This is more than merely an indemnity between the two governmental entities; it means that a plaintiff can only recover damages from the entity which receives the services.

The bill replaces this statutory ban on lawsuits with a provision that inadvertently allows the city providing the services to be sued.

The only protection the city would have under the bill is an indemnity agreement with the entity which receives the services. That means the city providing the services can be sued; once it pays a judgment, it must try to recover the amount it pays plaintiff by suing the entity which received the services.

Further, in the event that the city provides fire or emergency services to another local governmental entity *without* a contract, the bill gives the city which provides the services the same shield from lawsuits that current law gives to a city which provides fire services under a contract.

However, the wording of this provision makes the governmental unit which receives the services without a contract liable for any civil liability. School districts or hospital districts within the same city as the fire department would be liable for any damages that occur anytime the fire or emergency services departments respond to an alarm at their facilities.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 P.M. O'CLOCK

JUN 21 2003
Ann Shea
Secretary of State