
Detailed Fiscal Analysis

Bill provisions

The bill expands the definition of governmental function to include “The design, construction, reconstruction, renovation, repair, maintenance, and operation of any...water park, wading pool, wave pool, water slide, and other type of aquatic facility, or golf course...” Under current law, the definition of governmental function relative to golf courses is limited to their operation and control.

Except as specifically provided in statute, a political subdivision is not civilly liable in damages for injury, death, or loss to person or property caused by any act or omission of the political subdivision or its employee when in connection with a governmental or proprietary function. However, subject to specific statutory defenses and immunities and to specified limitations on the damages that may be awarded, a political subdivision generally is civilly liable in damages if the injury death, or loss to person or property is caused by the:

1. Negligent operation of any motor vehicle by its employees when the employees are engaged within the scope of their employment and authority.
2. Negligent performance of acts by employees of the political subdivision with respect to proprietary functions of the political subdivision.
3. Negligent failure to keep public roads in repair and other negligent failure to remove obstructions from public roads.
4. Negligence of the political subdivision's employees *and* occurs within or on the grounds of, and is due to physical defects within or on the grounds of, buildings that are used in connection with the performance of a governmental function.

Fiscal effects

The effect of the bill's expansion of the definition of "governmental function" is to make a political subdivision *generally immune* from liability in damages in a civil action in connection with the design, construction, reconstruction, renovation, repair, maintenance, and operation of a water park, wading pool, wave pool, water slide, and other type of aquatic facility, or a golf course.

Expanding the tort immunity to various aquatic facilities and golf courses that could be built, maintained, and operated by a political subdivision could reduce or eliminate legal expenditures arising from the need to defend a lawsuit and/or from a civil court damage award resulting from such a lawsuit.

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