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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/13/14

SPONSOR SCONC LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Irrigation District Roadway Tort Liability SB 100/SCONCS

ANALYST Weber

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Bill

Senate Conservation Committee substitute for Senate Bill 100 amends Section 41-4-11 of the Tort Claims Act to exclude irrigation and conservancy districts, and their public employees, from the waiver of sovereign immunity in Section 41-4-4 of the Act, under certain circumstances.

The circumstances are:

- (1) the irrigation or conservancy district has entered into a written agreement with the state agency or governmental entity operating or maintaining that road; and
- (2) the state agency or governmental entity has agreed to assume the operation and maintenance of that portion of the district's property used for that road.

The state agency or governmental entity operating or maintaining the road available for use by the general public shall be subject to liability as provided in the Tort Claims Act."

### FISCAL IMPLICATIONS

No fiscal implications were identified.

### SIGNIFICANT ISSUES

The AGO raises the question why under similar circumstances other special districts created by law are not specifically excluded from the waiver of immunity in the same manner irrigation and conservancy districts are excluded for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of their employees while acting within the scope of their duties.

MW/ds:jl