

## **BILL ANALYSIS**

Senate Research Center  
81R18894 AJA-D

H.B. 783  
By: Pickett (Shapleigh)  
State Affairs  
5/6/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Developable land in El Paso County is rapidly decreasing; the city of El Paso consists of 224 square miles with less than 50 square miles remaining undeveloped. In 2007, the City of El Paso approved a master plan to encourage the development of open spaces. The city has amended development codes to increase the dedication of park land in development areas. In addition, the city is currently working on plans to allow for joint park-type uses in the drainage systems, including drainage channels and detention areas.

Utility easements in El Paso are very attractive for several reasons, including increased connectivity between the mountain and river, conversion to a more attractive use, and acquisition of new park and trail areas for little expense. However, public utilities have been reluctant to allow a trail to be routed over their land because of potential liability costs if someone were to be injured.

H.B. 783 amends current law relating to the liability of an electric utility that allows recreational use of land that the utility owns, occupies, or leases.

### **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 Chapter 75, Civil Practice and Remedies Code, by adding Section 75.0021, as follows:

Sec. 75.0021. IMMUNITY FROM LIABILITY OF CERTAIN PUBLIC UTILITIES. (a) Defines "person" and "public utility."

(b) Provides that a public utility that, as the owner, occupant, or lessee of land, signs an agreement with a municipality, county, or other political subdivision of the state to allow public access to or use of the premises for recreation does not, by allowing the public access or use assure that the premises are safe for recreation, or assume responsibility or incur liability for any damage to or loss of property, or for any bodily or other personal injury to, or death of, a person who enters the premises for recreation or accompanies another person entering the premises for recreation, including injury, death, or other damage arising from certain circumstances.

(c) Provides that this section applies only to a public utility located in a county with a population of 600,000 or more and located on the international border.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.