

BILL ANALYSIS

Senate Research Center

C.S.H.B. 783
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State Affairs
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Committee Report (Substituted)

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.

C.S.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. LIMITED LIABILITY OF CERTAIN PUBLIC UTILITIES. (a) Defines "person" and "public utility."

(b) Provides that a public utility that, as the owner, easement holder, occupant, or lessee of land, signs an agreement with a municipality, county, or political subdivision to allow public access to or use of the premises for recreation, by allowing the public access to or use does not assume responsibility or incur liability beyond that provided by Chapter 75 of the Civil Practice & Remedies Code to a third party who enters the premises for recreation to the extent the municipality, county, or political subdivision purchases a general liability insurance policy in amounts required by Chapter 75, Civil Practice and Remedies Code insuring the public utility for liability arising from the condition of the premises for such recreational use.

(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.