

## **BILL ANALYSIS**

C.S.H.B. 751  
By: Callegari  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, public utilities typically acquire significant portions of land for the installation of their service distribution systems. Due to liability issues involved with allowing individuals onto utility- held properties for recreational and other purposes, many utilities do not allow public access to these areas.

C.S.H.B. 751 provides a public utility located within a municipal management district within a city with a population of 1.9 million or more that allows the public recreational access to property it controls immunity from liability, and provides utilities with the liability protection required to allow public access for recreational purposes, making possible agreements between political subdivisions and utilities to create recreational areas on utility-controlled property.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 751 amends Chapter 75, Civil Practices and Remedies Code, to provide that a public utility (including a electric, telecommunications, cable, gas, or water and sewer utility) located within a municipal management district within a city with a population of 1.9 million or more that allows persons to enter property controlled by the utility for recreational purposes does not, by giving permission, ensure that the premises are safe for recreation or assume liability for any death, injury, or other damages, including those resulting from the act of a third party, or contact with a power line or exposure to electromagnetic fields on the recreational premises. The bill requires that the public utility post a readable, visible signage on or near the recreational premises warning that the utility is immune from liability for damages arising from the recreational use of the property.

The implementation language of the Act provides that the changes made by the Act apply to actions after the effective date.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The committee substitute limits the Act's applicability to a municipal management district located within a municipality with a population of 1.9 million or more.