

## **BILL ANALYSIS**

Senate Research Center  
81R10690 CAE-F

S.B. 1563  
By: Shapleigh  
State Affairs  
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As Filed

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

Land that can be developed in El Paso County is rapidly decreasing; as 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 the river, conversion to a more attractive use, and acquisition of new park/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.

As proposed, S.B. 1563 limits the liability of a public utility that allows recreational use of land that the public 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 PUBLIC UTILITY. (a) Defines "person" and "public utility."

(b) Provides that a public utility that, as the owner, occupant, or lessee of land, gives permission to a person to enter the premises for recreation does not, by giving that permission ensure 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 or loss arising from an act of a third party that occurs on the premises, regardless of whether the act is intentional; contact of a person or property to electromagnetic fields; a premises defect in or other condition relating to the premises; or any negligence or gross negligence of the public utility.

SECTION 2. Makes application of this Act prospective.

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