

Amend SB 1 on third reading by adding a new article to the bill to read as follows:

ARTICLE _____. AD VALOREM TAXATION OF CERTAIN LAND
OF CERTAIN PUBLIC UTILITIES

SECTION _____.01. Chapter 31, Tax Code, is amended by adding Section 31.039 to read as follows:

Sec. 31.039. PROVISION OF RECREATIONAL OR EDUCATIONAL AREA BY CERTAIN PUBLIC UTILITIES IN LIEU OF PAYMENT OF TAXES ON PUBLIC UTILITY PROPERTY. (a) The governing body of a taxing unit may authorize any of the following public utilities to provide for public use of public utility property for recreation, education, exercise, relaxation, travel, or pleasure.

(b) The governing body shall require that each public utility providing an area described by Subsection (a) execute a contract with the taxing unit. The contract must be approved by the Public Utility Commission of Texas as a matter that does not negatively affect the rates of the utility. The contract must be executed before any tax delinquency date and must specify:

- (1) the area to be provided for public use;
- (2) the intended public uses of the area;
- (3) the amount of the tax credit that the public utility will receive while the public is given access to the area; and
- (4) set out or describe the provisions of Subsections (c) and (d).

(c) For each area provided for public use by a public utility, a taxing unit may provide to the utility a credit not to exceed one-half of one percent of the property taxes owed to the taxing unit.

(d) The taxing unit shall terminate the contract if the public utility violates the terms of the contract, including by restricting public access to or use of the area that is the subject of the contract.

(e) A public utility is eligible for a tax credit under this section only if the utility is a public utility to which Section 75.0021, Civil Practice and Remedies Code, applies.

SECTION _____.02. Section 75.0021, Civil Practice and

Remedies Code, as effective September 1, 2011, is amended to read as follows:

Sec. 75.0021. LIMITED LIABILITY OF CERTAIN PUBLIC UTILITIES. (a) In this section:

(1) "Person" includes an individual as defined by Section 71.001.

(2) "Public utility" means:

(A) an electric utility as defined by Section 31.002, Utilities Code;

(B) a telecommunications provider as defined by Section 51.002, Utilities Code;

(C) an electric cooperative as defined by Section 11.003, Utilities Code;

(D) a gas utility as defined by Section 101.003 or 121.001, Utilities Code; or

(E) a water and sewer utility as defined by Section 13.002, Water Code.

(b) A public utility that, as the owner, easement holder, occupant, or lessee of land, gives permission to a person to enter [~~signs an agreement with a municipality, county, or political subdivision to allow public access to or use of~~] the premises for recreation, exercise, education, relaxation, travel, or pleasure [~~by allowing the public access or use~~] does not by giving that permission:

(1) ensure that the premises are safe for recreation, exercise, education, relaxation, travel, or pleasure; or

(2) assume responsibility or incur any liability for:

(A) damages arising from or related to any bodily or other personal injury to or death of any person [~~beyond that provided by Chapter 75 of the Civil Practice and Remedies Code to a third party~~] who enters the premises for recreation, exercise, education, relaxation, travel, or pleasure or accompanies another person entering the premises for recreation, exercise, education, relaxation, travel, or pleasure;

(B) property damage sustained by any person who enters the premises for recreation, exercise, education, relaxation, travel, or pleasure or accompanies another person

entering the premises for recreation, exercise, education, relaxation, travel, or pleasure; or

(C) an act of a third party that occurs on the premises, regardless of whether the act is intentional.

(c) Subsection (b) applies to any claim for damages, including a claim:

(1) alleging gross negligence;

(2) asserting the doctrine of attractive nuisance; or

(3) arising from contact of a person or property with power lines or exposure of a person or property to electric and magnetic fields [to the extent the municipality, county, or political subdivision purchases a general liability insurance policy in amounts required by Chapter 75 of the Civil Practice and Remedies Code insuring the public utility for liability arising from the condition of the premises for such recreational use].

(d) A public utility that, as the owner, easement holder, occupant, or lessee of land, allows the use of the premises for recreation, exercise, education, relaxation, travel, or pleasure shall post and maintain a clearly readable sign in a clearly visible location on or near the premises. The sign must contain the following warning language:

WARNING

TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE LIABILITY OF A PUBLIC UTILITY FOR DAMAGES ARISING FROM THE USE OF THIS PROPERTY FOR RECREATION, EXERCISE, EDUCATION, RELAXATION, TRAVEL, OR PLEASURE.

(e) [(c)] This section applies only to a public utility located in[+]

[(1)] a county:

(1) with a population of 800,000 or more and located on the international border; [ex]

(2) with a population of four million or more; or

(3) adjacent to a county with a population of four million or more [a municipal management district located in a municipality with a population of more than 1.9 million].

SECTION ____ .03. Section 75.003(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) Except as provided by Sections 75.0021(b) and (c), this
[~~This~~] chapter does not affect the doctrine of attractive nuisance,
except that the doctrine may not be the basis for liability of an
owner, lessee, or occupant of agricultural land for any injury to a
trespasser over the age of 16 years.

SECTION _____.04. Sections 75.0021 and 75.003(b), Civil
Practice and Remedies Code, as amended by this article, apply only
to a cause of action that accrues on or after the effective date of
this Act. A cause of action that accrues before the effective date
of this Act is governed by the law in effect immediately before that
date, and that law is continued in effect for that purpose.