LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 21, 2011

TO: Honorable Rene Oliveira, Chair, House Committee on Land & Resource Management

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB1943** by Murphy (Relating to liability of certain public utilities that allow recreational use of land that the public utility owns, occupies, or leases.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to add telecommunications, cable service, gas, and water and sewer providers as "public utilities" to be afforded limited liability protection under the statute. According to the Office of Court Administration (OCA), the existing statute only provides limited liability for electric providers. Additionally, the bill would delete the statutory requirement that a public utility must enter into an agreement with a municipality, county or political subdivision to obtain the statute's limited liability and would instead provide that a public utility granting permission to a person to enter the premises for recreation does not by giving permission assure that the premises are safe for recreation. The bill would further provide that a public utility does not assume liability for damages, including claims for damages alleging gross negligence, under certain other conditions. To the extent the bill may result in reduced claims against the entities defined as "public utilities," no significant reduction in court filings throughout the state is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 473 Public Utility Commission of Texas

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