

BILL ANALYSIS

S.B. 764
By: Watson
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Drought conditions throughout Texas increase the risk of wildfires to forested urban areas. Interested parties report that while a prescribed burn is an effective technique to reduce the risk to such areas, the technique can only be conducted by an insured, certified burn manager. The parties express concern that municipalities struggle to find private insurance to fully meet this requirement and contend that municipalities need the authority to self-insure in order to manage prescribed burns. S.B. 764 seeks to meet this need by amending current law relating to a limitation on liability for prescribed burning conducted on agricultural or conservation land.

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

S.B. 764 amends the Natural Resources Code, in provisions relating to a limitation on liability for prescribed burning conducted on agricultural land, to make the limitation apply to agricultural or conservation land and to specify that the definition of "agricultural or conservation land" includes land located in Texas that is suitable for conservation or management of an ecosystem, a forest, a habitat, a species, water, or wildlife. The bill, in provisions establishing the required amount of liability insurance coverage for the limitation to apply, makes the limitation apply if the owner, lessee, or occupant of the land is a state agency or institution, a local government, or an entity acting on behalf of those entities that has a self-insurance program that provides the required amount of liability insurance coverage.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.