

By: Watson
(King of Zavala)

S.B. No. 764

A BILL TO BE ENTITLED

AN ACT

relating to a limitation on liability for prescribed burning
conducted on agricultural or conservation land.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 153.081, Natural Resources Code, is
amended to read as follows:

Sec. 153.081. LIMITATION OF OWNER LIABILITY. (a) Subject
to Section 153.082, an owner, lessee, or occupant of agricultural
or conservation land is not liable for property damage or for injury
or death to persons caused by or resulting from prescribed burning
conducted on the land owned by, leased by, or occupied by the person
if the prescribed burning is conducted under the supervision of a
certified and insured prescribed burn manager.

(b) This section does not apply to an owner, lessee, or
occupant of agricultural or conservation land who is a certified
and insured prescribed burn manager and conducts a burn on that
land.

(c) In this section, "agricultural or conservation land"
means land that is located in this state and that is suitable for:

(1) use and production of plants and fruits for human
or animal consumption or plants grown for the production of fibers,
floriculture, viticulture, horticulture, or planting seed;

(2) forestry and the growing of trees for the purpose
of rendering those trees into lumber, fiber, or other items used for

1 industrial, commercial, or personal consumption;

2 (3) domestic or native farm or ranch animals kept for
3 use or profit; ~~or~~

4 (4) management of native or exotic wildlife; or

5 (5) conservation or management of an ecosystem, a
6 forest, a habitat, a species, water, or wildlife.

7 SECTION 2. Section 153.082, Natural Resources Code, is
8 amended to read as follows:

9 Sec. 153.082. INSURANCE. The limitation on liability under
10 Section 153.081 does not apply to an owner, lessee, or occupant of
11 agricultural or conservation land unless:

12 (1) the certified and insured prescribed burn manager
13 conducting a burn on the land has liability insurance coverage:

14 (A) ~~[(1)]~~ of at least \$1 million for each single
15 occurrence of bodily injury or death, or injury to or destruction of
16 property; and

17 (B) ~~[(2)]~~ with a policy period minimum aggregate
18 limit of at least \$2 million; or

19 (2) the owner, lessee, or occupant is a governmental
20 unit, as that term is defined by Section 2259.001, Government Code,
21 that has a self-insurance program that provides the amount of
22 coverage required by Subdivision (1).

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.