

1-1 By: Watson S.B. No. 764  
 1-2 (In the Senate - Filed February 22, 2013;  
 1-3 February 26, 2013, read first time and referred to Committee on  
 1-4 State Affairs; March 13, 2013, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-6 March 13, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 764 By: Ellis

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to a limitation on liability for prescribed burning  
 1-22 conducted on agricultural or conservation land.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 153.081, Natural Resources Code, is  
 1-25 amended to read as follows:

1-26 Sec. 153.081. LIMITATION OF OWNER LIABILITY. (a) Subject  
 1-27 to Section 153.082, an owner, lessee, or occupant of agricultural  
 1-28 or conservation land is not liable for property damage or for injury  
 1-29 or death to persons caused by or resulting from prescribed burning  
 1-30 conducted on the land owned by, leased by, or occupied by the person  
 1-31 if the prescribed burning is conducted under the supervision of a  
 1-32 certified and insured prescribed burn manager.

1-33 (b) This section does not apply to an owner, lessee, or  
 1-34 occupant of agricultural or conservation land who is a certified  
 1-35 and insured prescribed burn manager and conducts a burn on that  
 1-36 land.

1-37 (c) In this section, "agricultural or conservation land"  
 1-38 means land that is located in this state and that is suitable for:

1-39 (1) use and production of plants and fruits for human  
 1-40 or animal consumption or plants grown for the production of fibers,  
 1-41 floriculture, viticulture, horticulture, or planting seed;

1-42 (2) forestry and the growing of trees for the purpose  
 1-43 of rendering those trees into lumber, fiber, or other items used for  
 1-44 industrial, commercial, or personal consumption;

1-45 (3) domestic or native farm or ranch animals kept for  
 1-46 use or profit; ~~or~~

1-47 (4) management of native or exotic wildlife; or

1-48 (5) conservation or management of an ecosystem, a  
 1-49 forest, a habitat, a species, water, or wildlife.

1-50 SECTION 2. Section 153.082, Natural Resources Code, is  
 1-51 amended to read as follows:

1-52 Sec. 153.082. INSURANCE. The limitation on liability under  
 1-53 Section 153.081 does not apply to an owner, lessee, or occupant of  
 1-54 agricultural or conservation land unless:

1-55 (1) the certified and insured prescribed burn manager  
 1-56 conducting a burn on the land has liability insurance coverage:

1-57 (A) ~~[(1)]~~ of at least \$1 million for each single  
 1-58 occurrence of bodily injury or death, or injury to or destruction of  
 1-59 property; and

1-60 (B) ~~[(2)]~~ with a policy period minimum aggregate

2-1 limit of at least \$2 million; or  
2-2 (2) the owner, lessee, or occupant is a governmental  
2-3 unit, as that term is defined by Section 2259.001, Government Code,  
2-4 that has a self-insurance program that provides the amount of  
2-5 coverage required by Subdivision (1).

2-6 SECTION 3. This Act takes effect immediately if it receives  
2-7 a vote of two-thirds of all the members elected to each house, as  
2-8 provided by Section 39, Article III, Texas Constitution. If this  
2-9 Act does not receive the vote necessary for immediate effect, this  
2-10 Act takes effect September 1, 2013.

2-11 \* \* \* \* \*