

BILL ANALYSIS

Senate Research Center

S.B. 1459
By: Armbrister
Natural Resources
4-15-97
As Filed

DIGEST

Currently, the law does not provide regulations regarding the liability of an owner, lessee, or occupant of agricultural land for certain improvements. This bill will provide that an owner, lessee, or occupant of agricultural land is not liable to certain persons for certain agricultural improvements.

PURPOSE

As proposed, S.B. 1459 provides that an owner, lessee, or occupant of agricultural land is not liable to certain persons for certain agricultural improvements.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 251, Agriculture Code, by adding Section 251.006, as follows:

Sec. 251.006. AGRICULTURAL IMPROVEMENTS. Provides that an owner, lessee, or occupant of agricultural land is not liable to certain persons for the construction or maintenance on the land of an agricultural improvement if the construction is not expressly prohibited by statute or a governmental requirement in effect at the time the improvement is constructed. Provides that such an improvement does not constitute a nuisance. Provides that this section does not apply to an improvement that obstructs the flow of water, light, or air to other agricultural land. Provides that this section does not prevent the enforcement of a statute or governmental requirement to protect public health and safety. Defines "agricultural land" and "agricultural improvement."

SECTION 2. Emergency clause.
Effective date: upon passage.