

BILL ANALYSIS

C.S.H.B. 39
By: Eissler
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The burning of household refuse can produce various air contaminants that can adversely affect the health of those exposed. Additionally, there are a number of safety concerns associated with open fires in proximity to other landowners. C.S.H.B. 39 makes it a Class C misdemeanor to burn refuse in certain counties on a lot that is located in a neighborhood or is smaller than five acres.

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

C.S.H.B. 39 amends the Health and Safety Code to provide that the authority of the Texas Commission on Environmental Quality to control and prohibit outdoor burning of waste is subject to the provisions of this bill.

The bill amends the Local Government Code to provide that the provisions of this bill only apply to the unincorporated areas of a county that is adjacent to a county with a population of 3.3 million or more and in which a planned community is located that has 20,000 or more acres of land, that was originally established under the Urban Growth and New Community Development Act of 1970 and that is subject to restrictive covenants containing ad valorem or annual variable budget based assessments on real property.

The bill provides that a person commits a Class C misdemeanor if they burn household refuse outdoors on a lot that is located in a neighborhood or is smaller than five acres. Upon a conviction, the bill requires the court to require the defendant to perform community service in addition to any fine.

The bill amends the Code of Criminal Procedure to provide that the community service consists of 60 hours picking up litter or working at a recycling facility.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute provides that the provisions of this bill only apply to the unincorporated areas of a county that is adjacent to a county with a population of 3.3 million or more and in which a planned community is located that has 20,000 or more acres of land, that was originally established under the Urban Growth and New Community Development Act of 1970 and that is subject to restrictive covenants containing ad valorem or annual variable budget based assessments on real property.

The substitute amends the Local Government Code rather than the Water Code to provide that burning household refuse is an offense under specified conditions and sets forth a penalty.