

BILL ANALYSIS

C.S.H.B. 3141
By: Hughes
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In rural areas, especially heavily wooded areas, accumulated brush can pose a significant fire hazard. Under current law, citizens who live outside of incorporated cities can burn brush on their property. In situations where homeowners live within a restricted subdivision but outside of an incorporated city, many homeowners have opted for a consolidated brush burn at one location outside of the subdivision. Current law, however, is not clear whether this type of consolidated burning is permissible.

C.S.H.B. 3141 allows consolidated brush burning under supervision of a fire department in counties with a population less than 50,000.

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. 3141 amends the Health and Safety Code to prohibit the Texas Commission on Environmental Quality (TCEQ) from controlling or prohibiting outdoor burning of waste consisting of plant growth generated at a designated site if the person burning the waste is doing so at a site that is (1) in a county with a population of less than 50,000, (2) used for consolidated burning of waste generated from specific residential properties, (3) located outside of a municipality, and (4) supervised by an employee of a fire department. The bill requires the fire department employee to notify the TCEQ of each burn. The bill requires the TCEQ to provide the fire department employee with information on practical alternatives to burning.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds the requirement that the waste was generated from a property for which the site is designated. The substitute adds the requirement that the site is used to burn waste generated from specific residential properties. The substitute changes the county population from 175,00 to 50,000. The substitute requires the fire department employee to notify the TCEQ of each burn. The substitute requires the TCEQ to provide the fire department employee with information on practical alternatives to burning.