

By: Eissler

H.B. No. 39

A BILL TO BE ENTITLED

AN ACT

1
2 relating to outdoor burning of household refuse; creating an
3 offense.

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

5 SECTION 1. Section 382.018, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 382.018. OUTDOOR BURNING OF WASTE AND COMBUSTIBLE
8 MATERIAL. (a) Subject to Subsection (b), the [The] commission by
9 rule may control and prohibit the outdoor burning of waste and
10 combustible material and may include requirements concerning the
11 particular method to be used to control or abate the emission of air
12 contaminants resulting from that burning.

13 (b) In this subsection, "neighborhood" and "refuse" have
14 the meanings assigned by Section 343.002. A person may not burn
15 household refuse outdoors on a lot that is:

16 (1) located in a neighborhood; or

17 (2) smaller than five acres.

18 SECTION 2. Subchapter E, Chapter 7, Water Code, is amended
19 by adding Section 7.1835 to read as follows:

20 Sec. 7.1835. VIOLATION RELATING TO OUTDOOR BURNING. (a) A
21 person commits an offense if the person intentionally or knowingly
22 violates Section 382.018(b), Health and Safety Code.

23 (b) An offense under this section is a Class C misdemeanor.
24 On conviction of an offense under this section, the court shall

1 require the defendant, in addition to any fine, to perform
2 community service as provided by Section 16(e), Article 42.12, Code
3 of Criminal Procedure.

4 SECTION 3. Section 16, Article 42.12, Code of Criminal
5 Procedure, is amended by adding Subsection (e) to read as follows:

6 (e) A defendant required to perform community service under
7 this section after conviction of an offense under Section 7.1835,
8 Water Code, shall perform 60 hours of service. The community
9 service must consist of picking up litter in the county in which the
10 defendant resides or working at a recycling facility if a program
11 for performing that type of service is available in the community in
12 which the court is located.

13 SECTION 4. This Act takes effect September 1, 2005.