

By: Hughes

H.B. No. 3141

Substitute the following for H.B. No. 3141:

By: Kuempel

C.S.H.B. No. 3141

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to outdoor burning in certain counties under the Texas  
3 Clean Air Act.

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) Except as provided by Subsection (b), the [The]  
9 commission by rule may control and prohibit the outdoor burning of  
10 waste and combustible material and may include requirements  
11 concerning the particular method to be used to control or abate the  
12 emission of air contaminants resulting from that burning.

13 (b) The commission may not control or prohibit outdoor  
14 burning of waste consisting of trees, brush, grass, leaves, branch  
15 trimmings, or other plant growth if:

16 (1) the person burning the waste is doing so at a site:

17 (A) designated for consolidated burning of waste  
18 generated from specific residential properties;

19 (B) located in a county with a population of less  
20 than 50,000;

21 (C) located outside of a municipality; and

22 (D) supervised at the time of the burning by an  
23 employee of a fire department who is part of the fire protection  
24 personnel, as defined by Section 419.021, Government Code, of the

1 department and is acting in the scope of the person's employment;  
2 and

3 (2) the waste was generated from a property for which  
4 the site is designated.

5 (c) A fire department employee who will supervise a burning  
6 under Subsection (b)(1)(D) shall notify the commission of each  
7 burning supervised by the employee, and the commission shall  
8 provide the employee with information on practical alternatives to  
9 burning.

10 SECTION 2. This Act takes effect September 1, 2005.