

By: Hughes

H.B. No. 3141

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 382.018. OUTDOOR BURNING OF WASTE AND COMBUSTIBLE MATERIAL. (a) Except as provided by Subsection (b), the [The] commission by rule may control and prohibit the outdoor burning of waste and combustible material and may include requirements concerning the particular method to be used to control or abate the emission of air contaminants resulting from that burning.

(b) The commission may not control or prohibit outdoor burning of waste consisting of trees, brush, grass, leaves, branch trimmings, or other plant growth if the person burning the waste is doing so:

(1) in a county with a population of less than 175,000;
and

(2) at a site:
(A) used for consolidated burning of waste;
(B) located outside of a municipality; and
(C) supervised at the time of the burning by an employee of a fire department who is part of the fire protection personnel, as defined by Section 419.021, Government Code, of the department and is acting in the scope of the person's employment.

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