

## **BILL ANALYSIS**

H.B. 857  
By: Laubenberg  
Environmental Regulation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law requires a person in violation of conducting an outdoor burning to be arrested in order to be properly processed.

H.B. 857 creates more defined categories for outdoor burning violations and enhances the penalties for subsequent violations and the burning of certain substances. These additions allow for more clarity in the law, help law enforcement officers execute their duties more effectively, and deter repeat violations.

### **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**

H.B. 857 amends the Water Code to make it a Class C misdemeanor to violate a rule adopted by the Texas Commission on Environmental Quality (TCEQ) regarding the outdoor burning of waste and combustible material. The bill enhances the penalty to a Class B misdemeanor if the violation is a second or subsequent violation of such rules or if the violation involves the burning of a substance specifically prohibited by a TCEQ rule. The bill enhances the penalty to a Class A misdemeanor if the violation involves the burning of a tire or of insulation on copper wire. The bill makes conforming changes.

### **EFFECTIVE DATE**

September 1, 2009.