

By: Laubenberg, Sheffield

H.B. No. 857

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for certain outdoor burning violations.

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

SECTION 1. Section 7.177, Water Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsection (d), an [An] offense under this section is punishable for an individual under Section 7.187(1)(B) or Section 7.187(2)(C) or both.

(c) Except as provided by Subsection (d), an [An] offense under this section is punishable for a person other than an individual under Section 7.187(1)(C).

(d) An individual who violates a rule adopted under Section 382.018, Health and Safety Code, by burning waste generated solely from property designed for and used exclusively as a private residence commits an offense that is:

(1) a Class C misdemeanor if the waste is not a substance described by Subdivision (3);

(2) a Class B misdemeanor if the violation is a second or subsequent violation under Subdivision (1) that occurs on the same property as a previous violation under that subdivision; and

(3) a Class A misdemeanor if the violation involves the burning of tires, insulation on electrical wire or cable, treated lumber, plastics, non-wood construction or demolition

1 materials, heavy oils, asphaltic materials, potentially explosive
2 materials, furniture, carpet, chemical wastes, or items containing
3 natural or synthetic rubber.

4 SECTION 2. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 covered by the law in effect when the offense was committed, and the
8 former law is continued in effect for that purpose. For purposes of
9 this section, an offense is committed before the effective date of
10 this Act if any element of the offense occurs before the effective
11 date.

12 SECTION 3. This Act takes effect September 1, 2009.