

By: Laubenberg, Sheffield

H.B. No. 857

Substitute the following for H.B. No. 857:

By: Hancock

C.S.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) A person who violates a rule adopted under Section 382.018, Health and Safety Code, commits an offense that is a Class C misdemeanor, except that:

(1) the offense is a Class B misdemeanor if:

(A) the violation is a second or subsequent violation of a rule adopted under Section 382.018 that occurs on the same property as a previous violation of a rule adopted under that section; or

(B) except as provided by Subdivision (2), the violation involves the burning of a substance specifically prohibited by a rule adopted under Section 382.018; and

(2) the offense is a Class A misdemeanor if the

1 violation involves the burning of a tire or of insulation on
2 electrical wire.

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

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