

1-1 By: Laubenberg, Sheffield (Senate Sponsor - Estes) H.B. No. 857
1-2 (In the Senate - Received from the House April 23, 2009;
1-3 May 1, 2009, read first time and referred to Committee on Natural
1-4 Resources; May 12, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 12, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the penalty for certain outdoor burning violations.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 7.177, Water Code, is amended by
1-11 amending Subsections (b) and (c) and adding Subsection (d) to read
1-12 as follows:

1-13 (b) Except as provided by Subsection (d), an [An] offense
1-14 under this section is punishable for an individual under Section
1-15 7.187(1)(B) or Section 7.187(2)(C) or both.

1-16 (c) Except as provided by Subsection (d), an [An] offense
1-17 under this section is punishable for a person other than an
1-18 individual under Section 7.187(1)(C).

1-19 (d) An individual who violates a rule adopted under Section
1-20 382.018, Health and Safety Code, by burning waste generated solely
1-21 from property designed for and used exclusively as a private
1-22 residence commits an offense that is:

1-23 (1) a Class C misdemeanor if the waste is not a
1-24 substance described by Subdivision (3);

1-25 (2) a Class B misdemeanor if the violation is a second
1-26 or subsequent violation under Subdivision (1) that occurs on the
1-27 same property as a previous violation under that subdivision; and

1-28 (3) a Class A misdemeanor if the violation involves
1-29 the burning of tires, insulation on electrical wire or cable,
1-30 treated lumber, plastics, non-wood construction or demolition
1-31 materials, heavy oils, asphaltic materials, potentially explosive
1-32 materials, furniture, carpet, chemical wastes, or items containing
1-33 natural or synthetic rubber.

1-34 SECTION 2. The change in law made by this Act applies only
1-35 to an offense committed on or after the effective date of this Act.
1-36 An offense committed before the effective date of this Act is
1-37 covered by the law in effect when the offense was committed, and the
1-38 former law is continued in effect for that purpose. For purposes of
1-39 this section, an offense is committed before the effective date of
1-40 this Act if any element of the offense occurs before the effective
1-41 date.

1-42 SECTION 3. This Act takes effect September 1, 2009.

1-43

* * * * *