

By: Ashby

H.B. No. 1672

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of prescribed burning by the Texas
3 Commission on Environmental Quality.

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

5 SECTION 1. Section 382.018, Health and Safety Code, is
6 amended by amending Subsection (a) and adding Subsections (f), (g),
7 and (h) to read as follows:

8 (a) Subject to Section 352.082, Local Government Code, and
9 the limitations of this section [~~except as provided by Subsections~~
10 ~~(b) and (d)~~], the commission by rule may control and prohibit the
11 outdoor burning of waste and combustible material and may include
12 requirements concerning the particular method to be used to control
13 or abate the emission of air contaminants resulting from that
14 burning.

15 (f) The commission by rule shall authorize a certified and
16 insured prescribed burn manager to direct a prescribed burn of
17 waste in accordance with Chapter 153, Natural Resources Code, and
18 standards adopted by the Prescribed Burning Board for:

19 (1) the management of forests, ranches, wildlands, and
20 wildlife; and

21 (2) wildfire hazard mitigation purposes.

22 (g) Rules adopted under Subsection (f) may address the
23 emission of air contaminants but may not:

24 (1) include requirements concerning the particular

1 method to be used to control or abate the emission of air
2 contaminants resulting from the burning;

3 (2) include requirements concerning other potential
4 hazards associated with the burning, including the effects of smoke
5 on road conditions;

6 (3) require prior commission notification or approval
7 of the burning;

8 (4) require prior notification of the burning to or
9 prior approval of the burning by an owner, tenant, or occupant of
10 any neighboring property or structure;

11 (5) prescribe the time of day within which the outdoor
12 burning may commence or must be completed; or

13 (6) prescribe wind speeds or atmospheric conditions
14 that must be present or absent or predicted to be present or absent
15 before the burning may begin or while the burning is conducted.

16 (h) Subsections (f) and (g) do not affect the authority of
17 the Prescribed Burning Board to adopt standards under Chapter 153,
18 Natural Resources Code.

19 SECTION 2. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2017.