

By: Nichols

S.B. No. 960

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of prescribed burning by the Texas Commission on Environmental Quality.

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

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

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

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

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

(2) wildfire hazard mitigation purposes.

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

(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.