

BILL ANALYSIS

C.S.H.B. 2053
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Within Texas, there are organizations that participate in certain prescribed burn activities. In common practice, prescribed burns are executed by a person who is named as "burn boss" on the written burn plan. It has been suggested that clarity is needed regarding the role and scope of liability for those who participate in prescribed burn activities. C.S.H.B. 2053 seeks to address this issue by setting out provisions on matters relating to prescribed burns, including the matter of liability.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2053 repeals Natural Resources Code provisions that provide for the authority of prescribed burning organizations to conduct a prescribed burn. The bill amends the Natural Resources Code to authorize a burn boss who is responsible for directing a prescribed burn under a written prescription plan to be held liable for property damage, personal injury, or death caused by or resulting from the burn that is conducted in accordance with such a plan only if the burn boss is otherwise liable under other law. The bill authorizes a person other than the burn boss, subject to certain statutory limitations on liability, to be held liable for property damage, personal injury, or death caused by or resulting from the burn only if the person commits gross negligence or intentionally causes the property damage, personal injury, or death and is otherwise liable under other law. The bill requires the written prescription plan for the burn, if the burn boss is not the owner, lessee, or occupant of the land on which the burn is conducted, to include the signature of the burn boss or the owner, lessee, or occupant of that land and a contract acknowledging liability. The bill prohibits its provisions relating to prescribed burn liability from being construed to create a cause of action or to create a standard of care, obligation, or duty that forms the basis of a cause of action.

C.S.H.B. 2053 amends the Local Government Code to make a conforming change.

C.S.H.B. 2053 repeals Sections 153.001(3) and 153.049, Natural Resources Code.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2053 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the signature requirement for the written prescription plan for a burn for which the burn boss is not the owner, lessee, or occupant of the land on which the burn is conducted to require the signature of either the burn boss or the owner, lessee, or occupant, and the substitute does not require the signatures of both the burn boss and the owner, lessee, or occupant.

The substitute does not include the removal of the requirement that the minimum standards established by the Prescribed Burning Board for prescribed burning include minimum insurance requirements for certified and insured prescribed burn managers.