

1-1 By: Ashby, et al. (Senate Sponsor - Nichols) H.B. No. 2004
 1-2 (In the Senate - Received from the House April 13, 2021;
 1-3 April 14, 2021, read first time and referred to Committee on Water,
 1-4 Agriculture & Rural Affairs; May 11, 2021, reported favorably by
 1-5 the following vote: Yeas 6, Nays 0; May 11, 2021, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17			X	

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to a limitation on liability and sanctions in connection
 1-21 with certain prescribed burns.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter C, Chapter 153, Natural Resources
 1-24 Code, is amended by adding Section 153.084 to read as follows:

1-25 Sec. 153.084. LIMITATION OF BURN BOSS LIABILITY. (a) In
 1-26 this section, "burn boss" has the meaning assigned by Section
 1-27 153.083.

1-28 (b) Except as provided by Subsection (c), if a burn boss is a
 1-29 certified and insured prescribed burn manager under Section
 1-30 153.048, the burn boss is not liable for property damage, personal
 1-31 injury, or death caused by or resulting from smoke that occurs more
 1-32 than 300 feet from the burn.

1-33 (c) This section does not apply to a burn boss who commits
 1-34 gross negligence or intentionally causes property damage, personal
 1-35 injury, or death.

1-36 SECTION 2. Subchapter D, Chapter 153, Natural Resources
 1-37 Code, is amended by adding Section 153.1025 to read as follows:

1-38 Sec. 153.1025. CERTAIN DISCIPLINARY ACTION PROHIBITED.
 1-39 Notwithstanding Section 153.102 or any other law, the department or
 1-40 another state agency may not take disciplinary action against a
 1-41 certified and insured prescribed burn manager in relation to a
 1-42 prescribed burn conducted in accordance with this chapter on the
 1-43 basis that the burn resulted in emissions or is a nuisance.

1-44 SECTION 3. Section 153.084, Natural Resources Code, as
 1-45 added by this Act, applies only to a cause of action that accrues on
 1-46 or after the effective date of this Act.

1-47 SECTION 4. This Act takes effect September 1, 2021.

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