

## **BILL ANALYSIS**

H.B. 162  
By: Murr  
Agriculture & Livestock  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Statutory provisions governing prescribed burns were first enacted in 1999 and need some clarification due to developments since then as there have been tremendous strides in prescribed burning as a tool for landowners to improve the environment. For example, when before there was only one type of certified and insured prescribed burn manager, now there are four types.

Many landowners new to prescribed burning will create a prescription plan for a prescribed burn and hire a burn boss to conduct the burn as the burn boss would be significantly more experienced and knowledgeable in this area. Oftentimes, a commercial burn boss will send a manager out to conduct a prescribed burn in the burn boss's place. A statutory change is needed to ensure that if a plan lists a certified and insured prescribed burn manager as the burn boss that that person is present on site during the burn's conduct. H.B. 162 seeks to address this issue by revising the requirements for prescribed burning minimum standards.

### **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**

H.B. 162 amends the Natural Resources Code to replace the requirement that the Prescribed Burning Board's minimum standards for prescribed burning require that at least one certified and insured prescribed burn manager is present on site during the conduct of the prescribed burn with the requirement that those standards require that, if the prescription plan lists a certified and insured prescribed burn manager as the burn boss, the burn boss be present on site during the conduct of the prescribed burn.

### **EFFECTIVE DATE**

September 1, 2023.