

## **BILL ANALYSIS**

C.S.H.B. 2004  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Certified and insured prescribed burn managers play a large role in managing land and resources throughout Texas. This is especially true in population growth areas, which are at highest risk for wildfires and therefore have the greatest need for prescribed burning. To that end, due to rapid population growth in recent decades, it is nearly impossible to perform even the best managed burns without someone downwind seeing or smelling smoke, leading to unfounded lawsuits and insurance claims or frivolous claims of nuisance smoke made by landowners or homeowners that are tens of miles away from the prescribed fire. This makes the required complaint process overly burdensome for prescribed burn managers and creates a barrier to the service that they offer. C.S.H.B. 2004 seeks to address these issues by reducing the financial liability of certified and insured prescribed burn managers when smoke of a prescribed fire drifts well downrange from the burn and by ensuring that these burn managers are not subject to disciplinary action based on nuisance complaints.

### **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. 2004 amends the Natural Resources Code to exempt a burn boss who is a certified and insured prescribed burn manager from liability for property damage, personal injury, or death caused by or resulting from the smoke that occurs more than 300 feet from the prescribed burn. The exemption does not apply to a burn boss who commits gross negligence or intentionally causes property damage, personal injury, or death.

C.S.H.B. 2004 prohibits the Department of Agriculture or another state agency from taking disciplinary action against a certified and insured prescribed burn manager in relation to a prescribed burn conducted in accordance with applicable statutory provisions on the basis that the burn resulted in emissions or is a nuisance.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2004 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions.