

## **BILL ANALYSIS**

Senate Research Center  
85R6067 JTS-D

S.B. 1064  
By: Nichols  
Natural Resources & Economic Development  
4/8/2017  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

State law generally prohibits outdoor burning, with some enumerated exceptions in law. One of those exemptions is for the burning of tree trimmings and other plant scraps at a site specified for that purpose (Section 382.018(d), Health and Safety Code). This section requires that the burning be done at a site designated for burning plant scraps produced from residential properties, and that those sites be located outside a municipality and in a county with a population of 50,000 or less. It also requires that the burn site be supervised by a fire department.

Simply put, this exemption allows tree trimming and brush clearing companies to dispose of plant scraps via burning in rural areas where landfills and other disposal methods may not be available. However, current law requires that the burn site be supervised by a paid fire department. In many rural counties, where burns of this type often take place, there may not be a paid fire department located in that county or even adjacent counties. This bill simply authorizes the burn to be supervised by either a paid fire department or a volunteer fire department, acting in the scope of their duties. Volunteer fire departments are trained, dedicated professionals who are capable of supervising these sites.

S.B. 1064 provides a technical clarification in law to ensure that plant scrap burn sites in rural areas of Texas are able to operate in compliance with the law.

S.B. 1064 amends Section 382.018, Health and Safety Code, to add volunteer fire department personnel to the authorized fire personnel who can supervise a burn site of plant or tree growth from residential properties.

As proposed, S.B. 1064 amends current law relating to volunteer firefighter supervision of outdoor burning of waste consisting of plant growth.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 382.018(d), Health and Safety Code, as follows:

(d) Prohibits the Texas Commission on Environmental Quality (TCEQ) from controlling or prohibiting outdoor burning of waste consisting of trees, brush, grass, leaves, branch, trimmings, or other plant growth if the person burning the waste is doing so at a site supervised at the time of the burning by, among other persons, a volunteer firefighter acting in the scope of the firefighter's volunteer duties. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2017.