

## **BILL ANALYSIS**

H.B. 4374  
By: Murr  
Agriculture & Livestock  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the potential liability of an individual who directs a prescribed burn for unintentional property damage, personal injury, or death even though the individual meets the requisite qualifications to conduct the burn. H.B. 4374 seeks to address these concerns by limiting the liability of a prescribed burn director under certain conditions.

### **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. 4374 amends the Natural Resources Code to exempt an individual directing a prescribed burn from liability for property damage, personal injury, or death caused by or resulting from the burn in excess of the applicable insurance requirements established by the Prescribed Burning Board if the individual has completed an accredited prescribed burning training course approved by the board and satisfied the experience requirements prescribed by the board. The bill makes the exemption inapplicable to an individual who commits gross negligence or intentionally causes property damage, personal injury, or death.

### **EFFECTIVE DATE**

September 1, 2019.