

## **BILL ANALYSIS**

Senate Research Center

H.B. 2620  
By: Ramsay (Armbrister)  
Intergovernmental Relations  
5/13/1999  
Committee Report (Amended)

### **DIGEST**

Currently, there is no statutorily established procedure for a commissioners court to order a “burn ban.” H.B. 2620 creates procedures for the commissioners court of a county to order the restriction or prohibition of outdoor burning, and creates a Class C misdemeanor offense for a violation of such an order.

### **PURPOSE**

As proposed, H.B. 2620 creates authorization for the commissioners court of a county to order the restriction or prohibition of outdoor burning, and creates a Class C misdemeanor offense for a violation of such an order.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 240Z, Local Government Code, by adding Section 240.906, as follows:

Sec. 240.906. REGULATION OF OUTDOOR BURNING. Defines “drought conditions.” Requires the Texas Forest Service (TFS), upon the request of the commissioners court of a county (CCC), to determine drought conditions of the county. Requires TFS to provide measurement index guidelines that determine drought conditions. Requires TFS to notify a county when its drought conditions no longer exist. Authorizes TFS to accept donations as necessary in carrying out this section. Authorizes CCC, by order, to prohibit or restrict outdoor burning under certain conditions. Requires an order adopted under this section to specify the burning restriction period. Prohibits the period from exceeding 90 days from the adoption of the order. Authorizes CCC to adopt an order that takes effect on the expiration of a previous order. Sets forth CCC order expiration dates. Provides that this section does not apply to certain outdoor burning activities. Entitles anyone to injunctive relief to prevent the violation of a burning restriction. Creates a Class C misdemeanor offense for a person who knowingly or intentionally violates an order adopted under this section.

SECTION 2. Emergency clause.  
Effective date: upon passage.