

BILL ANALYSIS

Senate Research Center
79R14803 JTS-D

H.B. 39
By: Eissler (Staples)
Intergovernmental Relations
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The burning of household refuse can produce various air contaminants that can adversely affect the health of those exposed. Additionally, there are a number of safety concerns associated with open fires in proximity to other landowners. H.B. 39 makes it a Class C misdemeanor to burn refuse in certain counties on a lot that is located in a neighborhood or is smaller than five acres.

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, Health and Safety Code, to make a conforming change.

SECTION 2. Amends Subchapter D, Chapter 352, Local Government Code, by adding Section 352.082 , as follows:

Sec. 352.082. OUTDOOR BURNING OF HOUSEHOLD REFUSE IN CERTAIN RESIDENTIAL AREAS. (a) Provides that this section applies only to certain unincorporated areas of a county.

(b) Defines "neighborhood" and "refuse."

(c) Provides that a person commits an offense if the person intentionally or knowingly burns household refuse outdoors on certain lots.

(d) Provides that an offense under this section is a Class C misdemeanor. Requires the court, on conviction of an offense under this section, to require the defendant, in addition to any fine, to perform community service as provided by Section 16(e), Article 42.12, Code of Criminal Procedure.

SECTION 3. Section 16, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (e) to require a defendant required to perform community service under this section after conviction of an offense under Section 352.082, Local Government Code, to perform 60 hours of service. Requires the community service to consist of picking up litter in the county in which the defendant resides or working at a recycling facility if a program for performing that type of service is available in the community in which the court is located.

SECTION 4. Effective date: September 1, 2005.