

BILL ANALYSIS

H.B. 1619
By: Shine
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note the need for enforcement authorities to have more penalty options for certain outdoor burning violations to help save money and resources. H.B. 1619 seeks to address this issue by revising the prosecution and punishment for such violations.

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. 1619 amends the Health and Safety Code to restrict prosecution of conduct that violates a Texas Commission on Environmental Quality rule adopted under Texas Clean Air Act provisions relating to outdoor burning of waste and combustible material and also violates a municipal ordinance to prosecution under the municipal ordinance, provided that the violation is not a second or subsequent violation of such a rule or ordinance and the violation does not involve the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes.

H.B. 1619 amends the Water Code to revise the criteria that determines whether the penalty for an offense under those Texas Clean Air Act provisions relating to outdoor burning of waste and combustible material is a Class C misdemeanor, a Class B misdemeanor, or a Class A misdemeanor based on the substance burned and whether the violation is a subsequent violation.

EFFECTIVE DATE

September 1, 2017.