

## BILL ANALYSIS

Senate Research Center  
83R9018 BEF-F

S.B. 702  
By: Hegar  
Natural Resources  
3/4/2013  
As Filed

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

S.B. 702 amends the Natural Resources Code to ensure that the Prescribed Burning Chapter consistently applies the minimum insurance requirements as adopted by the Texas Legislature in 2009. This cleanup bill makes two basic changes.

Section 153.046 (Duties) authorizes the Prescribed Burning Board (board) to establish minimum insurance requirements for certified and insured prescribed burn managers. As currently written, the board may set insurance requirements lower than those established in the chapter (Prescribed Burning) because the section defining board authorities lacks reference to the later section on insurance requirements. The change clarifies legislative intent and ensures consistency between Sections 153.046 and 153.082 (Insurance).

The 81st Legislature added the word “insured” to the description of certified prescribed burn managers, but the change was inadvertently missed in one section of the chapter. In its current form, Section 153.048 (Certification of Prescribed Burn Managers) could be interpreted to allow the creation of a non-insured burn manager category, which is inconsistent with the intention of the law.

As proposed, S.B. 702 amends current law relating to certified and insured prescribed burn managers.

### 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 153.046, Natural Resources Code, to require the Prescribed Burning Board (board) to perform certain duties, including to establish insurance requirements for certified and insured prescribed burn managers in amounts not less than those required by Section 153.082 (Insurance), rather than to establish minimum insurance requirements for certified and insured burn managers.

SECTION 2. Amends the heading to Section 153.048, Natural Resources Code, to read as follows:

Sec. 153.048. CERTIFIED AND INSURED PRESCRIBED BURN MANAGERS.

SECTION 3. Amends Sections 153.048(a) and (b), Natural Resources Code, as follows:

(a) Requires that minimum standards established by the board for certification as a certified and insured prescribed burn manager, rather than certification as a prescribed burn manager, require the completion of the approved training curriculum to be developed and promulgated by the board and taught by an approved instructor.

(b) Requires the board to certify a person as a certified and insured prescribed burn manager if the person applies to the board for certification, demonstrates completion of

an approved training program by an approved instructor, pays a fee to the board in an amount determined by the board, and meets the insurance requirements established by the board under Section 153.046.

SECTION 4. Amends Section 352.081(f), Local Government Code, as follows:

(f) Provides that this section does not apply to certain outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality, rather than the Texas Natural Resource Conservation Commission. Makes a conforming change.

SECTION 5. Requires the board, not later than November 1, 2013, to establish insurance requirements under Section 153.046, Natural Resources Code, as amended by this Act.

SECTION 6. Effective date: September 1, 2013.