

BILL ANALYSIS

H.B. 2119
By: Lozano
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that standards and requirements for volunteer burn organizations must be established for the purpose of insuring volunteers that participate in prescribed burns. H.B. 2119 seeks to address this issue.

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. 2119 amends the Natural Resources Code to authorize the members of a charitable organization that is organized and operated for prescribed burning purposes to conduct a prescribed burn if the member in charge of the burn has completed the approved training curriculum for a certified and insured prescribed burn manager and the organization has insurance coverage in an amount not less than the amount established by the Prescribed Burning Board. The bill requires the board, not later than November 1, 2015, to adopt rules to establish minimum insurance requirements for prescribed burning organizations.

H.B. 2119 includes the members of a prescribed burning organization among the persons authorized to conduct a burn in a county in which a state of emergency or state of disaster has been declared. The bill requires the minimum standards established by the board for prescribed burning to require such a burn to be conducted by the members of a prescribed burning organization as an alternative to at least one certified and insured prescribed burn manager being present on site during the conduct of the burn and to include minimum insurance requirements for prescribed burning organizations. The bill applies the limitation on liability of an owner, lessee, or occupant of agricultural or conservation land for property damage or for injury or death to persons caused by or resulting from prescribed burning conducted on the land owned by, leased by, or occupied by the person to a prescribed burn conducted by the members of a prescribed burning organization. The bill specifies that the limitation on liability applies to a burn conducted under the supervision of a certified and insured prescribed burn manager who has such liability insurance coverage. The bill adds as a condition under which the limitation of liability applies that the burn is conducted by the members of a prescribed burning organization that has insurance coverage in an amount not less than the amount established by the board.

H.B. 2119 amends the Civil Practice and Remedies Code to include in the definition of "charitable organization" applicable to the Charitable Immunity and Liability Act of 1987 certain

organizations exempt from federal income tax under the federal Internal Revenue Code of 1986 that are organizations or corporations organized and operated exclusively for wildfire mitigation, range management, or prescribed burning purposes.

H.B. 2119 amends the Local Government Code to include among the outdoor burning activities exempt from statutory provisions regarding county regulation of outdoor burning activities that are conducted by the members of a prescribed burning organization under specified conditions and that meet prescribed burning standards.

EFFECTIVE DATE

September 1, 2015.