

## **BILL ANALYSIS**

C.S.H.B. 222  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In Texas, prescribed burn organizations provide training and resources for members of the public who are conducting prescribed burn activities separate from organizational burns. In common practice, prescribed burns are executed by the person that is named as the "burn boss" or "burn director" on the written burn plan. Given that a burn boss acts as its own entity even though they may be listed as part of a prescribed burn organization, there have been calls to provide for a limitation on the liability of burn bosses in connection with certain prescribed burns. C.S.H.B. 222 seeks to address this issue by limiting this liability provided that the burn boss meets certain training, experience, and insurance requirements.

### **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**

C.S.H.B. 222 amends the Natural Resources Code to exempt a burn boss from liability for property damage, personal injury, or death caused by or resulting from an applicable prescribed burn in excess of the insurance requirements established by the Prescribed Burning Board for certified and insured prescribed burn managers if the burn boss meets the following conditions:

- has completed an accredited, board-approved prescribed burning training course and satisfied the board-prescribed minimum experience requirements; and
- has liability insurance coverage equal to or in excess of the amount required to qualify for the applicable limitation on liability.

The exemption does not apply to a burn boss who commits gross negligence or intentionally causes property damage, personal injury, or death.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 222 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following:

- a specification that the board-prescribed experience requirements a burn boss must satisfy for purposes of the bill's exemption are the minimum experience requirements; and
- a requirement for a burn boss to have certain liability insurance coverage to qualify for the exemption.