

## BILL ANALYSIS

Senate Research Center  
79R1164 MXM-D

S.B. 430  
By: Lindsay  
Intergovernmental Relations  
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As Filed

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

Even though unincorporated Harris County is in many areas as densely populated as any city in the state, the county does not have the authority to provide its citizens with the same protections afforded to city dwellers. Specifically, Harris County does not have the authority to head off potentially dangerous fires caused by fireworks usage. As proposed, S.B. 430 allows the Harris County Commissioners Court the authority to regulate the sales, use, and possession of fireworks in the unincorporated area of the county.

### 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 Subchapter C, Chapter 352, Local Government Code, by adding Section 352.053, to read as follows:

- Sec. 352.053. **ADDITIONAL COUNTY REGULATION OF FIREWORKS.** (a) Provides that this section only applies to a county with a population of 3.3 million or more.
- (b) Defines "fireworks."
  - (c) Sets forth objects to which this section is inapplicable.
  - (d) Authorizes the commissioners court of a county, to protect the public health or safety, by order to prohibit or otherwise regulate the sale, possession, or use of fireworks in any part of the unincorporated area of the county.
  - (e) Requires a person selling fireworks in a county that has adopted an order under Subsection (d), at every location at which the person sells fireworks in the county, to provide reasonable notice of any area where the sale, possession, or use of fireworks is prohibited or regulated under Subsection (d).
  - (f) Requires a commissioners court that adopts an order under Subsection (d) to send a copy of the order to the state fire marshal not later than the 30th day after the date the order is adopted.
  - (g) Requires the state fire marshal to send a copy of each order received under Subsection (f) to certain persons not later than the 30th day after the date the fire marshal receives the order.
  - (h) Provides that a person commits a Class C misdemeanor if the person knowingly violates a prohibition or other regulation established by an order adopted under this section.

SECTION 2. Effective date: upon passage or September 1, 2005.