

BILL ANALYSIS

Senate Research Center
84R14056 DDT-D

H.B. 1150
By: White, James et al. (Nichols)
Intergovernmental Relations
5/18/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1150 amends the Local Government Code to include the Texas Independence Day, San Jacinto Day, and Memorial Day fireworks seasons among the seasons during which the Texas A&M Forest Service must make its services available daily to respond to the request of any county for a determination whether drought conditions exist on average in the county. The bill includes among the dates by which a county commissioners court must adopt an order restricting or prohibiting the sale or use of restricted fireworks in specified areas on a determination that drought conditions exist: February 15 of each year for the Texas Independence Day fireworks season, April 1 of each year for the San Jacinto Day fireworks season, and May 15 of each year for the Memorial Day fireworks season.

H.B. 1150 amends current law relating to the sale of fireworks on and before certain holidays and affects a provision subject to a criminal penalty.

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 2154.202, Occupations Code, by amending Subsection (g) and adding Subsection (h), as follows:

(g) Authorizes a retail firework permit holder, except as provided by Subsection (h), to sell fireworks to the public, and only during periods as set forth. Makes a nonsubstantive change.

(h) Authorizes the commissioners court of a county by order, in addition to the periods during which the sale of fireworks is authorized under Subsection (g), to allow a retail fireworks permit holder to sell fireworks in that county only to the public and only during one or more of the following periods:

(1) beginning February 25 and ending at midnight on March 2;

(2) beginning April 16 and ending at midnight on April 21; and

(3) beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May.

SECTION 2. Amends Section 352.051(b)(1), Local Government Code, to require the Texas Forest Service to make its services available each day during the Texas Independence Day, San Jacinto Day, Memorial Day, Fourth of July, and December fireworks seasons to respond to the request of any county for a determination whether drought conditions exist on average in the county.

SECTION 3. Amends Section 352.051(d), Local Government Code, as follows:

(d) Requires that the order, to facilitate compliance with an order adopted under Subsection (c) (authorizes the commissioners court for the county by order, upon a determination under this section that drought conditions exist on average in a specified county, to prohibit or restrict the sale or use of restricted fireworks in the unincorporated area of the county), be adopted before:

- (1) February 15 of each year for the Texas Independence Day fireworks season;
- (2) April 1 of each year for the San Jacinto Day fireworks season;
- (3) April 25 of each year for the Cinco de Mayo fireworks season;
- (4) May 15 of each year for the Memorial Day fireworks season;
- (5) Redesignates Subdivision (2) as Subdivision (5) and makes no further change;
and
- (6) Redesignates Subdivision (3) as Subdivision (6) and makes no further change.

SECTION 4. Effective date: September 1, 2015.