

BILL ANALYSIS

C.S.H.B. 1150
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County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that it would be beneficial to expand the times of year when fireworks may be sold to the public in order to allow the recreational use of fireworks during certain holidays. C.S.H.B. 1150 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

C.S.H.B. 1150 amends the Occupations Code to expand the periods during which a retail fireworks permit holder may sell fireworks to the public by authorizing the commissioners court of a county by order to authorize the sale of fireworks to the public in that county during one or more of the following periods: beginning February 25 and ending at midnight on March 2, beginning April 16 and ending at midnight on April 21, and beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May.

C.S.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.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1150 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 2154.202(g), Occupations Code, is amended to read as follows:

(g) A retail fireworks permit holder may sell fireworks only to the public, and only during periods:

- (1) beginning February 25 and ending at midnight on March 2;
- (2) beginning April 16 and ending at midnight on April 21;
- (3) beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May;
- (4) beginning June 24 and ending at midnight on July 4;
- (5) [~~2~~] beginning December 20 and ending at midnight on January 1 of the following year; and
- (6) [~~3~~] beginning May 1 and ending at midnight on May 5 if the fireworks are sold at a location that is not more than 100 miles from the Texas-Mexico border and that is in a county in which the commissioners court of the county has approved the sale of fireworks during the period.

SECTION 2. Section 352.051(b)(1), Local Government Code, is amended.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 2154.202, Occupations Code, is amended by amending Subsection (g) and adding Subsection (h) to read as follows:

(g) Except as provided by Subsection (h), a [A] retail fireworks permit holder may sell fireworks only to the public, and only during periods:

- (1) beginning June 24 and ending at midnight on July 4;
- (2) beginning December 20 and ending at midnight on January 1 of the following year; and
- (3) beginning May 1 and ending at midnight on May 5 if the fireworks are sold at a location that is not more than 100 miles from the Texas-Mexico border and that is in a county in which the commissioners court of the county has approved the sale of fireworks during the period.

(h) In addition to the periods during which the sale of fireworks is authorized under Subsection (g), the commissioners court of a county by order may 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. Same as introduced version.

SECTION 3. Section 352.051(d), Local Government Code, is amended.

SECTION 3. Same as introduced version.

SECTION 4. This Act takes effect September 1, 2015.

SECTION 4. Same as introduced version.