

BILL ANALYSIS

C.S.H.B. 3967
By: Cortez
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In Texas, counties have the authority to prohibit the sale of fireworks during a burn ban when drought conditions are present, which greatly affects the continuation of commerce, employment, and fundraising from fireworks during this time. It has been suggested that while the use of fireworks should remain halted during these conditions, the sale of fireworks should not be affected. C.S.H.B. 3967 seeks to ensure that counties do not unnecessarily restrict the sale of fireworks despite conditions that prohibit the use of the fireworks.

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. 3967 amends the Government Code to establish that a fireworks restriction included in a declaration of a local disaster by the presiding officer of the governing body of a political subdivision does not authorize a county to prohibit or restrict the sale of fireworks.

C.S.H.B. 3967 amends the Local Government Code to remove the authority of a county commissioners court to prohibit or restrict the sale of restricted fireworks as follows:

- in the county's unincorporated area upon an applicable determination that drought conditions exist on average in the county; and
- during the December fireworks season, in specified areas when conditions on rural acreage in the county not under cultivation for a period of at least 12 months are determined to be extremely hazardous for the danger of fire because of high grass or dry vegetation.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3967 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 original prohibited a municipality from prohibiting or restricting the sale of fireworks, whereas the substitute establishes that a fireworks restriction included in a declaration of a local disaster does not authorize a county to prohibit or restrict the sale of fireworks.