

BILL ANALYSIS

Senate Research Center
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S.B. 939
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As Filed

DIGEST

Currently, Texas law authorizes the commissioners court of a county to prohibit the use of aerial fireworks, upon determination that drought conditions exist. During the 72nd Legislature, legislation authorizing counties to prohibit or restrict the use of skyrocket sticks and missiles passed. Since passage of this legislation, the counties and fireworks industry agree that changes are necessary to regulate more stringently ability of all counties to prohibit the use and sale of certain aerial fireworks during drought conditions. In 1997, H.B. 2049 authorized the Texas Forest Service to determine if a county faced drought conditions passed. Drought conditions are measured by objective scientific information and the use of the Keetch-Byram Index, a widely accepted method for measuring the lack of moisture in the soil. S.B. 939 would allow a county to prohibit or restrict the sale or use of certain fireworks, and would also create a Fireworks Safety and Education Program to be approved by the commissioner of insurance and to be funded by additional fees collected from the retailer, manufacturer, distributor, and jobber's licenses.

PURPOSE

As proposed, S.B. 939 prohibits the sale or use of certain restricted fireworks, and creates a fireworks safety and education program.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 240.904, Local Government Code, as follows:

Sec. 240.904. New heading: REGULATION OF RESTRICTED FIREWORKS.

SECTION 2. Amends Section 240.904(a)(1), Local Government Code, to redefine "restricted fireworks." Deletes text regarding pyrotechnic devices.

SECTION 3. Amends Sections 240.904(c), (f), and (g), Local Government Code, to authorize the commissioners court by order to prohibit or restrict the sale or use of restricted fireworks, rather than certain aerial fireworks, in all or a portion of the unincorporated area of the county. Requires a person selling any type of fireworks, including restricted fireworks, in a county that has adopted an order under Subsection (c) to provide notice of any location designated as a safe area. Makes conforming and nonsubstantive changes.

SECTION 4. Amends Article 5.43-4, Insurance Code, by adding Section 16B, as follows:

Sec. 16B. FIREWORKS SAFETY AND EDUCATION PROGRAM. Requires the commissioner of insurance (commissioner) to establish a fireworks safety and education program (program). Requires the program to provide information relating to the proper and safe use of fireworks and the dangers of the improper use of fireworks. Requires a program established under this section to be administered by the advisory council established under Section 5B of this article. Authorizes the program to include any method of communicating the need for safe use of fireworks and the dangers of improper use. Requires the commissioner to approve a program the advisory council proposes to present. Requires the holder of a certain license to pay a fee, in addition to any other license fee, in a certain amount, in order to fund the program established under this section. Authorizes funds collected under Subsection (c) of this section to be used only

by the commissioner for purposes of this section.

SECTION 5. Effective date: September 1, 1999. Provides that Section 16B, Article 5.43-4, Insurance Code, as added by this Act, applies only to the issuance of or renewal of a retail permit or manufacturer's, distributor's, or jobber's license issued or renewed on or after September 1, 1999.

SECTION 6. Emergency clause.