

## **BILL ANALYSIS**

Senate Research Center  
85R2337 PAM-D

S.B. 760  
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As Filed

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

S.B. 760 allows counties to regulate the sale of fireworks not only during drought seasons but also during non-drought conditions. A county commissioners court will be given the authority to declare "safe areas," which are places that fireworks can be used and sold and are readily accessible to local police and fire departments, and declare where fireworks can be sold or used in the extraterritorial jurisdiction.

While municipalities have the authority to regulate the use of fireworks within city limits, counties are left without that same authority, and many small unincorporated areas of counties are surrounded by municipalities with houses, neighborhoods, and schools often within close range of these areas. The use of fireworks in these areas can be vastly detrimental to veterans living with post-traumatic stress disorder, young children, and household pets.

These unincorporated areas have become rife with the use of fireworks, drinking, and criminal mischief. Presently, nobody has the authority to regulate these areas, which has led to an increase in calls to both police and emergency medical services resources. S.B. 760 creates this authority and grants it to the respective county commissioners court.

The intent of S.B. 760 is to allow counties the ability to decide where exactly fireworks can be sold or used, offering the county commissioners court to exercise discretion on a case-by-case basis.

As proposed, S.B. 760 amends current law relating to county authority to regulate fireworks.

### **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 the heading to Section 352.051, Local Government Code, to read as follows:

Sec. 352.051. REGULATION OF FIREWORKS.

SECTION 2. Amends Sections 352.051(c), (f), and (g), Local Government Code, as follows:

(c) Authorizes the commissioners court of a county by order to prohibit or restrict the sale or use of fireworks in the unincorporated area of the county, rather than authorizes, upon a determination under this section that drought conditions exist on average in a specified county, the commissioners court of the county by order to prohibit or restrict the sale or use of restricted fireworks in the unincorporated area of the county. Deletes existing text authorizing, during the December fireworks season, the commissioners court of a county by order to restrict or prohibit the sale or use of restricted fireworks 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.

(f) Authorizes the county, when a county issues an order restricting or prohibiting the sale or use of fireworks, rather than restricted fireworks, under this section, to designate one or more areas of appropriate size and accessibility in the county as safe areas where the use of fireworks is not prohibited. Makes a conforming change.

(g) Requires a person selling fireworks in a county that has adopted an order prohibiting or restricting the use of fireworks under Subsection (c), rather than a person selling any type of fireworks, including restricted fireworks, in a county that has adopted an order under Subsection (c), at every location at which the person sells fireworks in the county to provide certain reasonable notice designated under Subsection (f) as a safe area.

SECTION 3. Repealer: Section 352.051(a) (relating to definitions of this section), Local Government Code;

Repealer: Section 352.051(b) (relating to determination of drought conditions by the Texas Forest Service), Local Government Code;

Repealer: Section 352.051(e) (relating to expiration of orders issued under this section), Local Government Code; and

Repealer: Section 352.051(j) (relating to jurisdiction of county courts in a civil action under this section), Local Government Code.

SECTION 4. Effective date: upon passage or September 1, 2017.