

SUBJECT: Extending permitted times for the sale of fireworks

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 6 ayes — Coleman, Burrows, Schubert, Spitzer, Stickland, Tinderholt
2 nays — Farias, Romero
1 absent — Wu

WITNESSES: For — Gayle Wilkerson, Texas Nationalist Movement; Chester Davis, and Shannon Brinkley, Texas Pyrotechnic Association; (*Registered, but did not testify*: Brian Fortney, Texas Nationalist Movement)

Against — (*Registered, but did not testify*: Brian Hawthorne, Chambers County Sheriff's Office; Robert Bass, County Judges and Commissioners Association of Texas; Donna Warndorf, Harris County; Mike Montgomery, Harris County Fire Marshal's Office; Rick Thompson, Texas Association of Counties; Conrad John, Travis County Commissioners Court; Roy Callais)

On — Joe Daughtry, Texas Firework Association

BACKGROUND: Occupations Code, sec. 2154.202 establishes certain requirements for the retail sale of fireworks, including permit requirements and specified times of sale.

Local Government Code, sec. 352.051 establishes the duties of the Texas Forest Service (TFS) during fireworks season. The TFS makes its services available each day during the Fourth of July and December fireworks seasons. A county commissioners court may request a determination of drought conditions from the TFS. If the TFS determines the county has drought conditions on average, the commissioners court may order the restriction or prohibition of fireworks sales and use within the unincorporated areas of the county.

DIGEST: CSHB 1150 would authorize a county commissioners court to allow by order retail fireworks permit holders to sell fireworks in the county to the public during the following additional time periods:

- from February 25 through March 1 (Texas Independence Day fireworks season);
- from April 16 through April 20 (San Jacinto Day fireworks season); and
- from the Wednesday before the last Monday in May through the last Sunday in May (Memorial Day fireworks season).

The bill would require the Texas Forest Service (TSF) to make its services available each day during these additional fireworks seasons.

If the Texas Forest Service determined drought conditions existed for a county and the commissioners court decided to adopt an order prohibiting or restricting the sale or use of fireworks, it would have to adopt the order before February 15, April 1, or May 15, as appropriate for the affected fireworks season.

This bill would take effect September 1, 2015.

SUPPORTERS SAY: CSHB 1150 would allow the sale of fireworks to be extended to permit the public recreational use of fireworks during certain holidays, including Texas Independence Day, San Jacinto Day, and Memorial Day. If drought conditions existed, the county commissioners court still would have the authority to adopt safety rules that prohibited or restricted the sale or use of fireworks to avoid increased fire hazards.

OPPONENTS SAY: CSHB 1150 would provide additional days during which fireworks could be sold to the public, which could increase the use of fireworks and the risk of fire. While the commissioners court still could adopt firework restrictions, any type of firework ban is difficult to enforce and increases the use of county resources by increasing the need for more fire department staffing and equipment.