

BILL ANALYSIS

Senate Research Center
76R6550 CAG-D

S.B. 605
By: Lindsay
Intergovernmental Relations
3/8/1999
As Filed

DIGEST

Currently, Texas law authorizes cities, but not counties, to regulate fireworks. This bill provides for the regulation of fireworks by certain counties and creates a criminal penalty for violations.

PURPOSE

As proposed, S.B. 605 provides for the regulation of fireworks by certain counties and creates a criminal penalty for violations.

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 Chapter 240Z, Local Government Code, by adding Section 240.9045, as follows:

Sec. 240.9045. ADDITIONAL COUNTY REGULATION OF FIREWORKS. Provides that this section applies only to a county with a population of two million or more. Defines "fireworks." Provides that this section does not apply to certain products. Authorizes the commissioners court of a county to prohibit or otherwise regulate the sale, possession, or use of fireworks in any part of the unincorporated area of the county. Provides that this authority is in addition to the county's authority to regulate fireworks under Section 240.904. Requires a person selling fireworks in a county that has adopted an order under Subsection (b) to provide reasonable notice of the order and any area where the sale, possession, or use of fireworks is prohibited or regulated under Subsection (d), at every location at which the person sells fireworks. Requires a commissioners court that adopts an order under Subsection (d) to send a copy of the order to the state fire marshal by a certain date. Requires the state fire marshal to send a copy of each order received under Subsection (f) to each licensed manufacturer, distributor, and jobber in the affected county by a certain date. Provides that a person commits a Class C misdemeanor if a person knowingly violates a prohibition or other regulation established by an order adopted under this section.

SECTION 2. Emergency clause.
Effective date: upon passage.