

BILL ANALYSIS

Senate Research Center
77R2755 JMG-D

S.B. 153
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01/18/2001
As Filed

DIGEST AND PURPOSE

Currently, the sale and use of fireworks in populous areas that are outside of incorporated areas are not regulated except in certain specific conditions, such as in a time of drought. As proposed, S.B. 153 authorizes a county commissioners court in a county with a population of at least 2.8 million to regulate, by order, the sale, possession, and use of fireworks in any part of the unincorporated area of the county.

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

Sec. 240.9045. ADDITIONAL COUNTY REGULATION OF FIREWORKS. (a) Provides that this section applies only to a county with a population of 2.8 million or more.

(b) Defines “fireworks.”

(c) Sets forth certain items to which this section does not apply.

(d) Authorizes the commissioners court of a county to prohibit or otherwise regulate, by order, the sale, possession, or use of fireworks in any part of the unincorporated area of the county to protect the public health or safety.

(e) Provides that the authority provided in this section is in addition to the county’s authority to regulate fireworks under Section 240.904.

(f) Requires a person selling fireworks in a county that has adopted an order under Subsection (d), at every location at which the person sells fireworks in the county, to provide reasonable notice of the order and reasonable notice of any area where the sale, possession, or use of fireworks is prohibited or regulated under Subsection (d).

(g) Requires a commissioners court that adopts an order under Subsection (d) to send a copy of the order to the state fire marshal not later than the 30th day after the date the order is adopted.

(h) Requires the state fire marshal to send a copy of each order received under Subsection (g) to each licensed manufacturer, distributor, and jobber in the affected county not later than the 30th day after the date the fire marshal receives the order.

(i) Provides that a person commits an offense if the person knowingly violates a prohibition or other regulation established by an order under this section. Provides that an offense under this subsection is a Class C misdemeanor.

SECTION 2. Effective date: upon passage or September 1, 2001.