

BILL ANALYSIS

Senate Research Center
79R15251 MXM-F

C.S.S.B. 430
By: Lindsay
Intergovernmental Relations
5/3/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Even though unincorporated Harris County is in many areas as densely populated as any city in the state, the county does not have the authority to provide its citizens with the same protections afforded to city dwellers. Specifically, Harris County does not have the authority to head off potentially dangerous fires caused by fireworks usage. C.S.S.B. 430 allows the Harris County Commissioners Court the authority to regulate the sales, use, and possession of fireworks in 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 Section 2154.003, Occupations Code, by adding Subsection (d), to provide that in a county with a population of 3.3 million or more, in addition to the items described by Subsection (b), items classified under 49 C.F.R. Section 173.100(r)(2) (10-1-86 edition) as "skyrockets with sticks" and other pyrotechnic devices that have fins or rudders for the purpose of achieving aerodynamic flight, including a device that would be considered a missile or a rocket, are not permissible fireworks.

SECTION 2. Amends Section 2154.054, Occupations Code, by adding Subsections (g) and (h), as follows:

(g) Requires the advisory council (council), in reviewing rules under Subsection (e), to recommend to the commissioner of insurance (commissioner) changes in the rules to promote public safety and property protection in counties with a population of 3.3 million or more, including changes that could lower insurance costs.

(h) Requires the council and the state fire marshal to promote cooperation between the fireworks industry and local governments in counties with a population of 3.3 million or more in the establishment of a public awareness and safety campaign regarding fireworks in those counties.

SECTION 3. Amends Section 2154.252, Occupations Code, by amending Subsection (c) and adding Subsections (c-1) and (c-2), as follows:

(c) Prohibits fireworks from being sold or offered for sale to children under 12 years of age or to an intoxicated or incompetent person in a county other than a county to which Subsection (c-1) applies.

(c-1) Prohibits fireworks from being sold or offered for sale to children under 16 years of age or to an intoxicated or incompetent person in a county with a population of 3.3 million or more.

(c-2) Created from existing text. Makes conforming and nonsubstantive changes.

SECTION 4. Makes application of Sections 1 and 3 of this Act prospective.

SECTION 5. (a) Effective date: upon passage or September 1, 2005, except as provided by Subsection (b).

(b) Effective date of Section 1 of this Act: January 1, 2006.