

By: Cortez

H.B. No. 3967

Substitute the following for H.B. No. 3967:

By: Coleman

C.S.H.B. No. 3967

A BILL TO BE ENTITLED

1 AN ACT

2 relating to county authority to prohibit or restrict the sale of
3 fireworks.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 418.108, Government Code, is amended by
6 amending Subsection (i) and adding Subsection (j) to read as
7 follows:

8 (i) Except as provided by Subsection (j), a [A] declaration
9 under this section may include a restriction that exceeds a
10 restriction authorized by Section 352.051, Local Government Code.
11 A restriction that exceeds a restriction authorized by Section
12 352.051, Local Government Code, is effective only:

- 13 (1) for 60 hours unless extended by the governor; and
14 (2) if the county judge requests the governor to grant
15 an extension of the restriction.

16 (j) Subsection (i) does not authorize a county to prohibit
17 or restrict the sale of fireworks.

18 SECTION 2. Sections 352.051(c) and (f), Local Government
19 Code, are amended to read as follows:

20 (c) Upon a determination under this section that drought
21 conditions exist on average in a specified county, the
22 commissioners court of the county by order may prohibit or restrict
23 the ~~[sale or]~~ use of restricted fireworks in the unincorporated
24 area of the county. In addition, during the December fireworks

1 season, the commissioners court of a county by order may restrict or
2 prohibit the [~~sale or~~] use of restricted fireworks in specified
3 areas when conditions on rural acreage in the county not under
4 cultivation for a period of at least 12 months are determined to be
5 extremely hazardous for the danger of fire because of high grass or
6 dry vegetation.

7 (f) When a county issues an order restricting or prohibiting
8 the [~~sale or~~] use of restricted fireworks under this section, the
9 county may designate one or more areas of appropriate size and
10 accessibility in the county as safe areas where the use of
11 restricted fireworks is not prohibited, and the legislature
12 encourages a county to designate such an area for that purpose. The
13 safe area may be provided by the county, a municipality within the
14 county, or an individual, business, or corporation. A safe area may
15 be designated in and provided in the geographic area of the
16 regulatory jurisdiction of a municipality if the activity conducted
17 in the safe area is authorized by general law or a municipal
18 regulation or ordinance. An area is considered safe if adequate
19 public safety and fire protection services are provided to the
20 area. A county, municipality, individual, business, or corporation
21 is not liable for injuries or damages resulting from the
22 designation, maintenance, or use of the safe area.

23 SECTION 3. This Act takes effect September 1, 2021.