

## **BILL ANALYSIS**

H.B. 3135  
By: Olivo  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, a county can regulate the use of fireworks only during drought conditions. Under HB 3135, a person who knowingly or intentionally discharge fireworks within a county with a population of 3.3 million or more and those counties that surround that area commits a Class C misdemeanor.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Amends Subchapter C, Chapter 352 of the Local Government Code by adding Section 352.053 giving counties additional regulation of certain fireworks. This section applies to counties with a population of 3.3 million or more and those counties that surround that area. This bill gives the commissioners court the authority to prohibit or regulate the sale, possession, or use of fireworks in any part of the unincorporated area of the county.

In addition, a person selling fireworks in the county shall provide reasonable notice of both the order and area where the sale, possession, or use of fireworks is prohibited.

The commissioner's court shall send a copy of the order to the state fire marshal not later than the 30<sup>th</sup> day after the order is adopted. Upon receipt of the order, the state fire marshal shall send a copy of each order to each licensed manufacturer, distributor and jobber in the affected county.

An offense under this subsection is a Class C misdemeanor.

### **EFFECTIVE DATE**

This Act takes effect immediately if it secures a two-thirds vote of all members elected to each house. If the two-thirds vote is not received, then the effective date is September 1, 2003.