

## **BILL ANALYSIS**

H.B. 3786  
By: Isett, Carl  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, uncertainties exist regarding the scope of authority delegated to commissioners courts to prohibit fireworks based on self-proclaimed disasters. Commissioners courts have issued “executive orders” prohibiting the sale, dispensing, transportation and use of fireworks. These orders far exceed the existing express authority found in the Texas Local Government Code, which provides that commissioners courts may prohibit the sale or use of “restricted fireworks,” meaning “skyrockets with sticks” and “missiles with fins.” TEX. LOCAL GOV'T CODE ANN. § 352.051.

As proposed, this bill makes clear that the authority of the commissioners court to issue prohibitions regarding fireworks based on self-proclaimed disasters is limited to the sale or use of “restricted fireworks,” as defined by the Texas Local Government Code.

### **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**

House Bill 3786 amends Subchapter C, Chapter 352, of the Local Government Code, by adding Section 352.052, which provides a commissioners court may not ban fireworks other than the sale or use of “restricted fireworks,” as defined by the Texas Local Government Code.

### **EFFECTIVE DATE**

September 1, 2007.