

BILL ANALYSIS

Senate Research Center
81R10779 ATP-D

S.B. 1390
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Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Given the current drought conditions in Texas, it would be beneficial for county judges to have the authority to prohibit fireworks for extended periods. Currently, if a disaster declaration is issued for a county, the county judge may exceed the restrictions on fireworks authorized by Section 352.051 (Regulation of Restricted Fireworks), Local Government Code. The authorized restrictions can only be exceeded for up to 60 hours by the county, unless the governor grants an extension. Whether to continue or renew a county judge's declaration of a local state of disaster with regard to fireworks should be a local decision made by the governing body of the political subdivision. Currently, a county judge needs the governor's approval to exceed the restrictions on fireworks authorized by Section 352.051.

As proposed, S.B. 1390 authorizes a declaration under this section to include a restriction authorized by Section 352.051 (Regulation of Restricted Fireworks), Local Government Code.

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 418.108(i), Government Code, to delete existing text providing that a restriction that exceeds a restriction authorized by Section 352.051 (Regulation of Restricted Fireworks), Local Government Code, is effective only for 60 hours unless extended by the governor and if the county judge requests the governor to grant an extension of the restriction.

SECTION 2. Effective date: upon passage or September 1, 2009.