

BILL ANALYSIS

C.S.H.B. 3388
By: Fletcher
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Most municipalities in Texas ban the use of fireworks within their boundaries. Currently, it is possible for a person to violate the ban by transporting fireworks within a municipality to a final destination outside a municipality.

In many cases, consumers have legally purchased fireworks at a location outside a municipality and then have been cited while transporting the fireworks on the road to their home that passes through a municipality where the use of fireworks is illegal.

C.S.H.B.3388 attempts to resolve problems relating to the transport of fireworks within a municipality.

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

SECTION 1. Chapter 370, Local Government Code, is amended by adding Section 370.005 to read as follows:

Sec.370.005. TRANSPORT OF FIREWORKS. A political subdivision may not prohibit or regulate the transport of fireworks in unopened and original packaging.

SECTION 2. The heading to Chapter 370, Local Government Code, is amended to read as follows:

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO HEALTH AND PUBLIC SAFETY

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2011.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.3388 differs from the original H.B.3388 by specifying that a political subdivision may not prohibit or regulate the transport of fireworks in unopened and original packaging.