

By: Hamilton

H.B. No. 3632

A BILL TO BE ENTITLED

AN ACT

relating to the effect on local regulation of the use and sale of fireworks.

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

SECTION 1. Section 2154.004, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) This chapter ~~[does not limit or restrict the authority of a county, where specifically authorized by law, or municipality to enact an ordinance or order prohibiting or further regulating fireworks]~~ governs the regulation of fireworks in this state, except that:

(1) a municipality may regulate the sale and use of fireworks:

(A) within its corporate boundaries; and

(B) in the existing area outside those boundaries specified by Section 217.042(a), Local Government Code, if the municipality prohibited or regulated fireworks in those areas existing prior to September 1, 2011.

(2) after September 1, 2011, a municipality may not, after annexing an area, adopt a regulation to prohibit a person from:

(A) continuing to use the land for the lawful sale and possession of 1.4G fireworks in the area in the manner in

1 which the land was being used on the date the annexation proceedings
2 were instituted if the land use was legal at that time; or

3 (B) beginning to use land in the area in the
4 manner that was planned for the land before the 90th day before the
5 effective date of the annexation if one or more licenses,
6 certificates, permits, approvals, or other forms of authorization
7 by a governmental entity were required by law for the planned land
8 use and a completed application for the initial authorization was
9 filed with the governmental entity before the date the annexation
10 proceedings were instituted.

11 (2) the commissioner's court of a county may regulate
12 restricted fireworks under the provisions of Section 352.051(c),
13 Local Government Code.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2011.