

By: Lucio

S.B. No. 1156

A BILL TO BE ENTITLED

AN ACT

relating to the sale of fireworks on and before Memorial Day.

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

SECTION 1. Section 2154.202(g), Occupations Code, is amended to read as follows:

(g) A retail fireworks permit holder may sell fireworks only to the public, and only during periods:

(1) beginning on the 14th day preceding Memorial Day and ending at midnight on Memorial Day;

(2) beginning June 24 and ending at midnight on July 4;

(3) [~~2~~] beginning December 20 and ending at midnight on January 1 of the following year; and

(4) [~~3~~] beginning May 1 and ending at midnight on May 5 if the fireworks are sold at a location that is not more than 100 miles from the Texas-Mexico border and that is in a county in which the commissioners court of the county has approved the sale of fireworks during the period.

SECTION 2. Section 352.051(b)(1), Local Government Code, is amended to read as follows:

(1) The Texas Forest Service in the ordinary course of its activities shall determine whether drought conditions, as defined under Subsection (a)(2), exist on average in any county requesting such a determination. The Texas Forest Service shall make available the measurement index guidelines used to determine

1 whether drought conditions exist in a particular area. Following
2 any determination that such drought conditions exist, the Texas
3 Forest Service shall notify said county or counties when such
4 drought conditions no longer exist. The Texas Forest Service shall
5 make its services available each day during the Memorial Day,
6 Fourth of July, and December fireworks seasons to respond to the
7 request of any county for a determination whether drought
8 conditions exist on average in the county.

9 SECTION 3. Section 352.051(d), Local Government Code, is
10 amended to read as follows:

11 (d) To facilitate compliance with an order adopted under
12 Subsection (c), the order must be adopted before:

13 (1) April 25 of each year for the Cinco de Mayo
14 fireworks season;

15 (2) May 5 of each year for the Memorial Day fireworks
16 season;

17 (3) [~~(2)~~] June 15 of each year for the Fourth of July
18 fireworks season; and

19 (4) [~~(3)~~] December 15 of each year for each December
20 fireworks season.

21 SECTION 4. This Act takes effect September 1, 2011.