

BILL ANALYSIS

C.S.H.B. 2529
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Certain municipalities may define and prohibit a nuisance within a sizeable area outside municipal boundaries. Interested parties have expressed concerns regarding the applicability of that authorization to the sale of a firework or similar material. C.S.H.B. 2529 seeks to allow certain businesses in the fireworks industry to conduct their business as usual.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 2529 amends the Local Government Code to prohibit a home-rule municipality from defining and prohibiting as a nuisance the sale of a firework or similar material outside the limits of the municipality from a structure at which fireworks or similar materials have been regularly sold during authorized periods since before September 1, 2010.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2529 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 217.042, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), the [~~The~~] municipality may define and prohibit any nuisance within the limits of the

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 217.042, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), the [~~The~~] municipality may define and prohibit any nuisance within the limits of

municipality and within 5,000 feet outside the limits.

(c) The municipality may define and prohibit as a nuisance the sale or use of a firework or similar material only within the limits of the municipality.

SECTION 2. This Act takes effect September 1, 2015.

the municipality and within 5,000 feet outside the limits.

(c) The municipality may not define and prohibit as a nuisance the sale of a firework or similar material outside the limits of the municipality from a structure at which fireworks or similar materials have been regularly sold during authorized periods since before September 1, 2010.

SECTION 2. Same as introduced version.