

BILL ANALYSIS

C.S.H.B. 41
By: White
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the sale of fireworks to the public should be allowed for the celebration of the Juneteenth holiday. C.S.H.B. 41 seeks to provide for the sale of fireworks on and before the holiday.

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. 41 amends the Occupations Code to include the period beginning June 16 and ending at midnight on June 23, for the Juneteenth fireworks season in a county in which the commissioners court of the county has approved the sale of fireworks during the period, among the periods during which a retail fireworks permit holder may sell fireworks to the public.

C.S.H.B. 41 amends the Local Government Code to include the Juneteenth fireworks season among the fireworks seasons during which the Texas A&M Forest Service is required to make its services available each day to respond to the request of any county for a determination whether drought conditions exist on average in the county. The bill includes June 1 of each year for the Juneteenth fireworks season among the deadlines by which a county commissioners court order prohibiting or restricting the sale or use of restricted fireworks for a given fireworks season in the unincorporated area of the county based on a drought determination must be adopted.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 41 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 2154.202(g), Occupations Code, is amended to read as follows:

(g) Except as provided by Subsection (h), a retail fireworks permit holder may sell fireworks only to the public, and only during periods:

(1) beginning June 14 and ending at midnight on June 19;

(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 A&M 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 A&M Forest Service shall make available the measurement index guidelines used to determine whether drought conditions exist in a particular area. Following any determination that such drought conditions exist, the Texas A&M Forest Service shall notify said county or counties when such drought conditions no longer exist. The Texas A&M Forest Service shall make its services available each day during the Texas Independence Day, San Jacinto Day, Memorial Day, Juneteenth, Fourth of July, and December fireworks seasons to respond to the request of any county for a determination whether drought conditions exist on average in the county.

HOUSE COMMITTEE SUBSTITUTE

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

(g) Except as provided by Subsection (h), a retail fireworks permit holder may sell fireworks only to the public, and only during periods:

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

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

(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; and

(4) beginning June 16 and ending at midnight on June 23 in a county in which the commissioners court of the county has approved the sale of fireworks during the period.

SECTION 2. Sections 352.051(b) and (d), Local Government Code, are amended to read as follows:

(b)(1) The Texas A&M 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 A&M Forest Service shall make available the measurement index guidelines used to determine whether drought conditions exist in a particular area. Following any determination that such drought conditions exist, the Texas A&M Forest Service shall notify said county or counties when such drought conditions no longer exist. The Texas A&M Forest Service shall make its services available each day during the Texas Independence Day, San Jacinto Day, Memorial Day, Juneteenth, Fourth of July, and December fireworks seasons to respond to the request of any county for a determination whether drought conditions exist on average in the county.

(2) The Texas A&M Forest Service shall be allowed to take such donations of equipment or funds as necessary to aid in the carrying out of this section.

SECTION 3. Section 352.051(d), Local Government Code, is amended.

(d) Same as introduced version.

SECTION 4. 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, 2017.

SECTION 3. Same as introduced version.