

BILL ANALYSIS

C.S.H.B. 1417
By: Rinaldi
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the observance of Diwali, which is typically celebrated with fireworks, does not occur during a period within which fireworks may be sold in Texas. C.S.H.B. 1417 seeks to ensure that the "Festival of Lights" is properly observed by providing for the sale of fireworks during the Diwali fireworks season.

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. 1417 amends the Occupations Code to include among the periods during which the commissioners court of a county by order may allow a retail fireworks permit holder to sell fireworks in that county to the public the period beginning five days before the first day of Diwali and ending at midnight on the last day of Diwali.

C.S.H.B. 1417 amends the Local Government Code to include the Diwali 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 requires an order of the commissioners court of a county prohibiting or restricting the sale or use of restricted fireworks based on a drought determination to be adopted before 15 days before the beginning of Diwali for the Diwali fireworks season.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1417 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 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 five days before the first day of Diwali and ending at midnight on the last day of Diwali.

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, Fourth of July, Diwali, 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(h), Occupations Code, is amended to read as follows:

(h) In addition to the periods during which the sale of fireworks is authorized under Subsection (g), the commissioners court of a county by order may allow a retail fireworks permit holder to sell fireworks in that county only to the public and only during one or more of the following periods:

(1) beginning February 25 and ending at midnight on March 2;

(2) beginning April 16 and ending at midnight on April 21; ~~and~~

(3) beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May; and

(4) beginning five days before the first day of Diwali and ending at midnight on the last day of Diwali.

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, Fourth of July, Diwali, 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 September 1, 2017.

SECTION 3. Same as introduced version.