

By: White, Faircloth, et al.

H.B. No. 41

Substitute the following for H.B. No. 41:

By: Neave

C.S.H.B. No. 41

A BILL TO BE ENTITLED

AN ACT

relating to the sale of fireworks on and before the Juneteenth holiday.

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) 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

1 defined under Subsection (a)(2), exist on average in any county
2 requesting such a determination. The Texas A&M Forest Service
3 shall make available the measurement index guidelines used to
4 determine whether drought conditions exist in a particular area.
5 Following any determination that such drought conditions exist, the
6 Texas A&M Forest Service shall notify said county or counties when
7 such drought conditions no longer exist. The Texas A&M Forest
8 Service shall make its services available each day during the Texas
9 Independence Day, San Jacinto Day, Memorial Day, Juneteenth, Fourth
10 of July, and December fireworks seasons to respond to the request of
11 any county for a determination whether drought conditions exist on
12 average in the county.

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

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

18 (1) February 15 of each year for the Texas
19 Independence Day fireworks season;

20 (2) April 1 of each year for the San Jacinto Day
21 fireworks season;

22 (3) April 25 of each year for the Cinco de Mayo
23 fireworks season;

24 (4) May 15 of each year for the Memorial Day fireworks
25 season;

26 (5) June 1 of each year for the Juneteenth fireworks
27 season;

1 (6) June 15 of each year for the Fourth of July
2 fireworks season; and

3 (7) [~~(6)~~] December 15 of each year for each December
4 fireworks season.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2017.