87R16018 SCL-D

By:  Cortez H.B. No. 3967

Substitute the following for H.B. No. 3967:

By:  Coleman C.S.H.B. No. 3967

A BILL TO BE ENTITLED

AN ACT

relating to county authority to prohibit or restrict the sale of fireworks.

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

SECTION 1.  Section 418.108, Government Code, is amended by amending Subsection (i) and adding Subsection (j) to read as follows:

(i)  Except as provided by Subsection (j), a [~~A~~] declaration under this section may include a restriction that exceeds a restriction authorized by Section 352.051, Local Government Code. A restriction that exceeds a restriction authorized by Section 352.051, Local Government Code, is effective only:

(1)  for 60 hours unless extended by the governor; and

(2)  if the county judge requests the governor to grant an extension of the restriction.

(j)  Subsection (i) does not authorize a county to prohibit or restrict the sale of fireworks.

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

(c)  Upon a determination under this section that drought conditions exist on average in a specified county, the commissioners court of the county by order may prohibit or restrict the [~~sale or~~] use of restricted fireworks in the unincorporated area of the county. In addition, during the December fireworks season, the commissioners court of a county by order may restrict or prohibit the [~~sale or~~] use of restricted fireworks in specified areas when conditions on rural acreage in the county not under cultivation for a period of at least 12 months are determined to be extremely hazardous for the danger of fire because of high grass or dry vegetation.

(f)  When a county issues an order restricting or prohibiting the [~~sale or~~] use of restricted fireworks under this section, the county may designate one or more areas of appropriate size and accessibility in the county as safe areas where the use of restricted fireworks is not prohibited, and the legislature encourages a county to designate such an area for that purpose. The safe area may be provided by the county, a municipality within the county, or an individual, business, or corporation. A safe area may be designated in and provided in the geographic area of the regulatory jurisdiction of a municipality if the activity conducted in the safe area is authorized by general law or a municipal regulation or ordinance. An area is considered safe if adequate public safety and fire protection services are provided to the area. A county, municipality, individual, business, or corporation is not liable for injuries or damages resulting from the designation, maintenance, or use of the safe area.

SECTION 3.  This Act takes effect September 1, 2021.