By:  Shaheen, et al. (Senate Sponsor - Huffman) H.B. No. 608

(In the Senate - Received from the House March 29, 2023; March 30, 2023, read first time and referred to Committee on Local Government; May 3, 2023, reported favorably by the following vote: Yeas 9, Nays 0; May 3, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Bettencourt       X

Springer          X

Eckhardt          X

Gutierrez         X

Hall              X

Nichols           X

Parker            X

Paxton            X

West              X

A BILL TO BE ENTITLED

AN ACT

relating to the sale of fireworks before and during the Diwali holiday.

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

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.

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

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

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

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

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

(5)  June 15 of each year for the Fourth of July fireworks season; [~~and~~]

(6)  15 days before the beginning of Diwali for the Diwali fireworks season; and

(7)  December 15 of each year for each December fireworks season.

SECTION 3.  This Act takes effect September 1, 2023.

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