

Chapter 710

H.B. No. 1150

1 AN ACT

2 relating to the sale of fireworks on and before certain holidays;
3 affecting a provision subject to a criminal penalty.

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

5 SECTION 1. Section 2154.202, Occupations Code, is amended
6 by amending Subsection (g) and adding Subsection (h) to read as
7 follows:

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

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

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

14 (3) beginning May 1 and ending at midnight on May 5 if
15 the fireworks are sold at a location that is not more than 100 miles
16 from the Texas-Mexico border and that is in a county in which the
17 commissioners court of the county has approved the sale of
18 fireworks during the period.

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

24 (1) beginning February 25 and ending at midnight on

1 March 2;

2 (2) beginning April 16 and ending at midnight on April
3 21; and

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

6 SECTION 2. Section 352.051(b)(1), Local Government Code, is
7 amended to read as follows:

8 (1) The Texas Forest Service in the ordinary course of
9 its activities shall determine whether drought conditions, as
10 defined under Subsection (a)(2), exist on average in any county
11 requesting such a determination. The Texas Forest Service shall
12 make available the measurement index guidelines used to determine
13 whether drought conditions exist in a particular area. Following
14 any determination that such drought conditions exist, the Texas
15 Forest Service shall notify said county or counties when such
16 drought conditions no longer exist. The Texas Forest Service shall
17 make its services available each day during the Texas Independence
18 Day, San Jacinto Day, Memorial Day, Fourth of July, and December
19 fireworks seasons to respond to the request of any county for a
20 determination whether drought conditions exist on average in the
21 county.

22 SECTION 3. Section 352.051(d), Local Government Code, is
23 amended to read as follows:

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

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

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

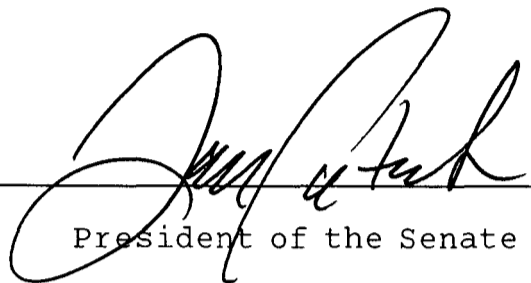
3 (3) April 25 of each year for the Cinco de Mayo
4 fireworks season;

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

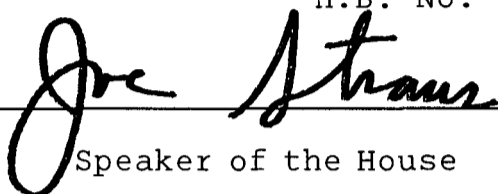
7 (5) [~~2~~] June 15 of each year for the Fourth of July
8 fireworks season; and

9 (6) [~~3~~] December 15 of each year for each December
10 fireworks season.

11 SECTION 4. This Act takes effect September 1, 2015.



President of the Senate

H.B. No. 1150


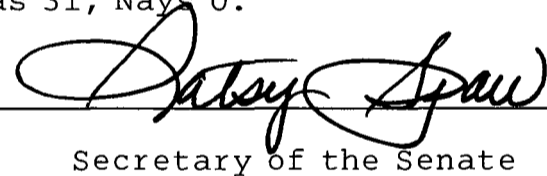
Speaker of the House

I certify that H.B. No. 1150 was passed by the House on May 13, 2015, by the following vote: Yeas 139, Nays 5, 1 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 1150 was passed by the Senate on May 27, 2015, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate

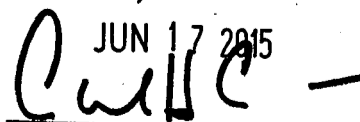
APPROVED: 6-16-2015

Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:09 pm O'CLOCK

JUN 17 2015


Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 18, 2015

TO: Honorable Eddie Lucio Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1150** by White, James (Relating to the sale of fireworks on and before certain holidays; affecting a provision subject to a criminal penalty.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1150, As Engrossed: an impact of \$0 through the biennium ending August 31, 2017.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Rural Volunteer Fire Dept Ins</i> 5066
2016	\$150,000
2017	\$150,000
2018	\$150,000
2019	\$150,000
2020	\$150,000

Fiscal Analysis

The bill would amend Chapter 2154 of the Occupations Code, regarding the regulation of fireworks and firework displays, to expand the dates during which fireworks may be sold to the public.

The bill would add Section 2154.202(h) to provide that the holder of a retail fireworks permit may, if authorized by the commissioners court of a county, sell fireworks from February 25 through March 2 (for Texas Independence Day), from April 16 through April 21 (for San Jacinto Day), and

from the Wednesday before the last Monday in May through the last Monday in May (for Memorial Day), in addition to the periods currently allowed for Cinco de Mayo, the Fourth of July, and the December season.

The bill would make conforming changes to Chapter 352 of the Local Government Code, regarding county fire protection.

The bill would take effect September 1, 2015.

Methodology

Authorization of additional fireworks seasons would be expected to result in incremental sales subject to the 2 percent fireworks tax under Chapter 161 of the Tax Code; however, the incremental sales would not be expected to exceed approximately 10 percent of the sales that occur during the traditional Fourth of July and December holiday seasons. No significant increase in general sales tax revenues would be expected, as incremental sales of fireworks would likely be at the expense of other discretionary purchases of sales taxable items.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 576 Texas A&M Forest Service

LBB Staff: UP, KVe, SD

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 21, 2015

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1150 by White, James (Relating to the sale of fireworks on and before certain holidays; affecting a provision subject to a criminal penalty.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1150, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2017.
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General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from Rural Volunteer Fire Dept Ins 5066
2016	\$150,000
2017	\$150,000
2018	\$150,000
2019	\$150,000
2020	\$150,000

Fiscal Analysis

The bill would amend Chapter 2154 of the Occupations Code, regarding the regulation of fireworks and firework displays, to expand the dates during which fireworks may be sold to the public.

The bill would add Section 2154.202(h) to provide that the holder of a retail fireworks permit may, if authorized by the commissioners court of a county, sell fireworks from February 25 through

March 2 (for Texas Independence Day), from April 16 through April 21 (for San Jacinto Day), and from the Wednesday before the last Monday in May through the last Monday in May (for Memorial Day), in addition to the periods currently allowed for Cinco de Mayo, the Fourth of July, and the December season.

The bill would make conforming changes to Chapter 352 of the Local Government Code, regarding county fire protection.

The bill would take effect September 1, 2015.

Methodology

Authorization of additional fireworks seasons would be expected to result in incremental sales subject to the 2 percent fireworks tax under Chapter 161 of the Tax Code; however, the incremental sales would not be expected to exceed approximately 10 percent of the sales that occur during the traditional Fourth of July and December holiday seasons. No significant increase in general sales tax revenues would be expected, as incremental sales of fireworks would likely be at the expense of other discretionary purchases of sales taxable items.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 576 Texas A&M Forest Service

LBB Staff: UP, KVe, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 25, 2015

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1150 by White, James (Relating to the sale of fireworks on and before certain holidays.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1150, As Introduced: an impact of \$0 through the biennium ending August 31, 2017.
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General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from Rural Volunteer Fire Dept Ins 5066
2016	\$150,000
2017	\$150,000
2018	\$150,000
2019	\$150,000
2020	\$150,000

Fiscal Analysis

The bill would amend Chapter 2154 of the Occupations Code, regarding the regulation of fireworks and firework displays, to expand the dates during which fireworks may be sold to the public.

The bill would amend Section 2154.202(g) to provide that the holder of a retail fireworks permit may sell fireworks from February 25 through March 2 (for Texas Independence Day), from April 16 through April 21 (for San Jacinto Day), and from the Wednesday before the last Monday in

May through the last Monday in May (for Memorial Day), in addition to the periods currently allowed for Cinco de Mayo, the Fourth of July, and the December season.

The bill would make conforming changes to Chapter 352 of the Local Government Code, regarding county fire protection.

The bill would take effect September 1, 2015.

Methodology

Authorization of additional fireworks seasons would be expected to result in incremental sales subject to the fireworks tax under Chapter 161 of the Tax Code; however, the incremental sales would not be expected to exceed about 10 percent of the sales that occur during the traditional Fourth of July and December holiday seasons. No significant increase in sales tax revenues would be expected, as incremental sales of fireworks would likely be at the expense of other discretionary purchases of sales taxable items.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 576 Texas A&M Forest Service
LBB Staff: UP, KVe, SD