



TFCA WL BILLS PASSED OR VETOED

06-28-2015 - 15:26:48

[HB 1](#)

Otto, John(R)
Nelson, Jane(R)

General appropriations bill.

Remarks:

HB 1 is the House's budget proposal for the 2016-2017 biennium fiscal years. Unlike it did during the 83rd Legislative Session, the House of Representatives for the 84th Legislative Session is not proposing a rider of \$3 million for the *Texas Commission on Fire Protection*. The House has removed this "hidden tax on firefighters". The TFCA should **SUPPORT** this bill as it is written at this time. SDK

Last Action:

6-20-15 G Earliest effective date

[HB 239](#)

Springer, Drew(R)
Perry, Charles (F)(R)

Relating to storage of flammable liquids at retail service stations in unincorporated areas and certain municipalities.

Remarks:

UPDATED: The committee has decided to stay **Neutral** on this bill after further discussion.

HB 239 alters Section 753.004 of the Health and Safety Code to remove a capacity limit on aboveground storage tanks (AST)s at retail service stations. The current limit is 4,000 gallons of gasoline, diesel fuel or kerosene per tank. The retail service station may have one 4,000 gallon tank for each separate grade of gasoline, diesel fuel or kerosene, but not more than one tank for the same grade. The current 4,000 gallon limit is extremely lenient toward retail service stations. Even though this only affects unincorporated areas and municipalities with a population of less than 5,000, the current limit in place should not be removed. TFCA should **OPPOSE** this bill. PE

Last Action:

6-10-15 G Earliest effective date

[HB 942](#)

Kacal, Kyle(R)
Birdwell, Brian(R)

Relating to the storage of certain hazardous chemicals.

Companions:

[SB 528](#)

Birdwell, Brian(R)

(Identical)

2-18-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop

Remarks:

HB 942 is a companion to SB 528. Both add language requiring reporting of ammonium nitrate, providing inspection rights of state agencies, and penalties for noncompliance. The TFCA should **SUPPORT** this bill. BW

from TML: would: (1) increase reporting requirements for owners and operators of ammonium nitrate facilities, including requiring the owner or operator to: (a) file an updated "tier two" form with the Texas Commission on Environmental Quality (TCEQ) not later than the 90th day after there is a change in chemical weight range in a hazardous chemical or extremely hazardous material or within 72 hours of beginning operation or having a reportable addition of ammonium nitrate; and (b) furnish the tier two form to the local fire chief and local emergency planning committee; (2) require ammonium nitrate facilities to: (a) store ammonium nitrate or ammonium nitrate material in a separate structure; and (b) separate ammonium nitrate or ammonium nitrate material from combustible or flammable material by 30 feet or more; (3) increase the duties and authority of state and local fire marshals and fire departments by: (a) requiring the owner or operator of an ammonium nitrate storage facility

to allow a state or local fire marshal to examine the facility; (b) allowing a local fire department to access an ammonium nitrate storage facility to make a pre-fire planning assessment; (c) requiring an owner or operator to correct any hazardous situations found by a fire marshal; (d) allowing a fire marshal to enforce storage and spacing requirements listed above; (e) allowing a fire marshal or fire department to do an inspection of an ammonium nitrate facility without being certified as an inspector by the Texas Commission on Fire Protection for pre-planning purposes; (4) increase the authority and duties of the TCEQ in regards to ammonium nitrate facility reporting and enforcement by: (a) requiring the TCEQ to inform the Texas Division of Emergency Management (TDEM) and the state fire marshal within 72 hours of receiving a tier two form reporting the presence of ammonium nitrate at an ammonium nitrate storage facility; (b) making the TCEQ, rather than the Texas Department of State Health Services, the repository for information regarding ammonium nitrate facilities; (c) allowing the TCEQ to enforce ammonium nitrate facility reporting requirements through Chapter 7 of the Water Code including penalties of up to \$5,000 for each violation and corrective action orders; and (5)

require state agencies such as the TCEQ and the TDEM to report to local entities regarding ammonium nitrate tier two reporting.

Last Action:

6-16-15 G Earliest effective date

[HB 1150](#)

White, James(R)
Nichols, Robert(R)

Relating to the sale of fireworks on and before certain holidays.

Remarks:

HB 1150 seeks to increase the number of days during the year that fireworks can be sold and used. The sale of fireworks is currently limited to July 4th, New Years, and Cinco de Mayo (within 100 miles of the border). This bill will allow the sale of Fireworks for these additional Holidays:

Texas Independence Day (March 2)

San Jacinto Day (April 21)

- Memorial Day (last Monday in May)

Seeing as fireworks are directly related to fires and injuries, and the use of fireworks puts additional strain on many rural fire departments, the TFCA should **OPPOSE** this bill. BB

from tml: would expand the days that a retail fireworks seller may sell fireworks to individuals

Last Action:

9- 1-15 G Earliest effective date

[HB 1278](#)

Hughes, Bryan(R)

Lucio, Eddie(D)

Relating to the amount of financial assistance paid to the survivors of certain law enforcement officers, firefighters, and other public employees killed in the line of duty.

Companions:

[SB 436](#)

Lucio, Eddie(D)

(Identical)

2- 9-15 S Introduced and referred to committee on Senate State Affairs

Remarks:

HB 1278 is a companion bill to SB 436. The enactment of this bill will amend the Government Code raise the amount of money paid to eligible survivors of firefighters who are killed in the line of duty. The TFCA should **SUPPORT** this bill. SDK

from tml: would increase the amount of state death benefits given to the families of public safety employees killed in the line of duty.

Last Action:

9- 1-15 G Earliest effective date

[HB 2257](#)

[White, James\(R\)](#)
[Hinojosa, Chuy\(D\)](#)

Relating to characteristics of certain emergency services districts that are exempted from filing an audit report.

Remarks:

As a cost saving measure, small ESDs (that meet certain conditions) have been exempted from filing an annual audit report. This bill would change one exemption of the audit requirement from not having any outstanding bonds or any outstanding liabilities having a term of more than one year, to ESDs having bonds or liabilities secured by ad valorem taxes. Audits can truly be a pain in the tail, but are necessary to increase our credibility and accountability. This added relaxation could lead to a complete lack of third party oversight of some ESDs. The TFCA should **OPPOSE** this bill. PE

Last Action:

9- 1-15 G Earliest effective date

[SB 570](#)

[Estes, Craig\(R\)](#)
[Sheffield, J.D.\(R\)](#)

Relating to the use of fireworks at certain Texas Department of Transportation rest areas.

Companions:

[HB 397](#)

[Sheffield, J.D.\(R\)](#)

(Identical)

5-15-15 H Laid on the table - subject to call - see SB 570

Remarks:

SB 570 is the companion bill to HB 397. It allows County Commissioner to require TxDOT to restrict the use of fireworks at TxDOT rest stops in that county. "The commission by order shall prohibit or restrict the use of fireworks at a state highway rest area in the unincorporated area of a county on the petition of the commissioners court of the county." Notice the wording is "shall" not "may". This can be interpreted that if the County asks, Commission WILL restrict the use of fireworks. The County is responsible for posting signage at the rest stop. This is to address the problem of counties banning use of fireworks but folks shooting them off on "State" property (rest stops) in that county. The TFCA should **SUPPORT** this bill. BB

Last Action:

9- 1-15 G Earliest effective date

[SB 761](#)

[Creighton, Brandon \(F\)\(R\)](#)

[Murphy, Jim\(R\)](#)

Relating to the taxation of fireworks.

Companions:

[HB 2113](#)

[Murphy, Jim\(R\)](#)

(Identical)

5-19-15 S Referred to Senate Committee on Senate Committee on Administration

Remarks:

SB 761 repeals Chapter 161 of the Tax Code and eliminates the additional 2% tax on the sale of fireworks that was earmarked for the volunteer fire department insurance fund. In return, the comptroller would estimate the sales tax collected on the sale of fireworks, as defined by this chapter, and deposit 2% of that money into the volunteer fire insurance fund. If statistical data is not available to make an estimate, the comptroller may require the retailer to provide that information. This is similar to how the lubricants tax and sporting goods tax are distributed today. The current tax code places the additional 2% tax on fireworks. The money collected is reported separately from other sales taxes. All funds collected go to the volunteer fire department insurance fund. The proposed changes to Chapter 151 of the Tax code allow an amount up to 7% to be allocated to the administrative costs associated with the collection of this tax. Currently there are no administrative costs allocated from the funds collected under Chapter 161. This bill could potentially result in a 7% loss of funding with the administrative costs removed. It also appears that the allocation of the funds would be complicated due to determining what sales taxes were collected for fireworks. And, there would be a reduction of 2% of the normal sales tax collected that goes to the general fund as those funds would now be diverted to the volunteer fire department insurance fund. Lastly, there would be a realized savings of 2% for the purchasers of fireworks due to the repeal of the fireworks tax. The TFCA should **OPPOSE** this bill. ML

*from TML: this bill is identical to H.B. 2113 ,
above.*

Last Action:

9- 1-15 G Earliest effective date

[SB 1105](#)

[Eltife, Kevin\(R\)](#)
[Cook, Byron\(R\)](#)

Relating to fire inspections by the state fire marshal for state-owned and state-leased buildings.

Remarks:

SB 1105 will provide inspections on buildings that are presently outside of jurisdictions that require them such as in counties without those requirements. The SFMO is in favor of this bill. The TFCA should **SUPPORT** this bill. RP

Last Action:

6- 9-15 G Earliest effective date

[SB 1593](#)

[Lucio, Eddie\(D\)](#)

[Lucio III, Eddie\(D\)](#)

Relating to regulation of fireworks by certain municipalities.

Companions:

[HB 2529](#)

[Lucio III, Eddie\(D\)](#)

(Identical)

5-12-15 H Laid on the table - subject to call - see SB 1593

Remarks:

Both the House Bill and the companion Senate Bill would *repeal* the current nuisance laws enabling a municipality to enforce nuisance laws within 1000 feet of the city limits (within the ETJ). This would have a devastating effect on communities that had county areas with little or no firework regulations adjacent to their city limits. TFCA should **OPPOSE** both HB 2529 and SB 1593. LPE

from TML: would eliminate the authority of a home rule city to

prohibit fireworks in the area that extends 5,000 feet beyond the city limits.

Last Action:

9- 1-15 G Earliest effective date