NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

### FISCAL IMPACT REPORT

SPONSOR:	Martinez		DATE TYPED:	02/05/03	НВ	
SHORT TITLE	E: _	Sale of Fireworks			SB	204
				ANAL	YST:	Gilbert

### **APPROPRIATION**

Appropriation	on Contained	Estimated A	dditional Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to: HB 454

### **SOURCES OF INFORMATION**

LFC Files

Responses Received From

Energy, Minerals and Natural Resources Department (EMNRD)

#### **SUMMARY**

### Synopsis of Bill

Senate Bill 204 amends portions of NMSA 1978, § 60-2C-2 and 60-2C-7 by removing the definition of "wildlands" and broadens the authority of municipalities to regulate and prohibit the sale, possession, or use of any permissible firework within their jurisdiction.

SB 204 includes an emergency clause.

## Significant Issues

If SB 204 is implemented, municipalities and counties are no longer required to hold determination hearings prior to enforcing use restrictions or banning fireworks sales due to extreme or severe drought conditions. Instead, it empowers governing bodies to ban the use of fireworks on wildlands within their jurisdiction after consultations with the State Forester.

# Senate Bill 204 -- Page 2

# **ADMINISTRATIVE IMPLICATIONS**

According to the Energy, Minerals and Natural Resources Department (EMNRD), this bill would not create a significant administrative impact on their Forestry Division.

### RELATIONSHIP

House Bill 454 specifies that counties and municipalities may restrict or ban fireworks.

# **OTHER SUBSTANTIVE ISSUES**

The term possession is added to NMSA 1978, § 60-2C-7, to address situations in which fireworks are sold in one jurisdiction and then brought into another where they would be illegal, thus allowing law enforcement officers to seize such fireworks.

RLG/prr