

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may 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 Rawson DATE TYPED 2/25/05 HB \_\_\_\_\_

SHORT TITLE Local Government Fireworks Bans & Limits SB 841

ANALYST Hadwiger

### APPROPRIATION (in \$000s)

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Regulation Commission

Department of Finance and Administration (DFA)

Energy, Minerals and Natural Resources Department (EMNRD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 841 would allow municipalities and counties to regulate permissible fireworks more strictly than the Fireworks Licensing and Safety Act or prohibit the permissible fireworks. (Current statute includes restrictive language, prohibiting local governments from regulating any permissible firework except aerial devices and ground audible devices). If, pursuant to a public hearing, a municipality determined extreme or severe drought conditions existed, the municipal governing body would be required to issue a proclamation banning all fireworks or limiting fireworks to areas that are paved or barren or have a readily accessible source of water for use by a homeowner, the general public, or an entity firing display fireworks, as well as ban all fireworks in wildlands in the jurisdiction. The bill includes an emergency clause.

#### Significant Issues

SB841 would give local governments greater discretion to regulate use of fireworks. This allows them to enact laws that conform to local circumstances and preferences.

EMNRD offered the following comments on the SB811:

- The bill would give counties and municipalities broader authority to regulate fireworks.
- The bill simplifies the description of what is a permissible firework, which would aid law enforcement entities as they encounter violations.
- The Forestry Division limits the use of fire, including fireworks, on non-federal and non-municipal lands based on climatic conditions, fire danger, fire frequency and fire behavior, as well as drought conditions. During fire season, this information is on the Forestry Division's website and available to local governments to help them determine if conditions warrant a limit or ban on fireworks.
- Drought is a term based on hydrology, which usually describes conditions over a long period of time; "fire danger" is related to primarily fuels and meteorology and can change daily.

### **FISCAL IMPLICATIONS**

There would be no fiscal impact on state government from this bill.

**DH/lg**