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## FISCAL IMPACT REPORT

SPONSOR Campos LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 2/7/23  
BILL  
SHORT TITLE Ban Certain Fireworks Sales NUMBER Senate Bill 196/ec  
ANALYST Sanchez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			
<b>Total</b>						

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

#### Responses Received From

Energy, Minerals and Natural Resources Department (EMNRD)

Attorney General's Office (NMAG)

## SUMMARY

### Synopsis of Senate Bill 196

Senate Bill 196 proposes to amend Section 60-2C-2 NMSA 1978 (Fireworks Licensing and Safety) to allow the governor to issue a proclamation, effective for 30 days, banning or restricting the sale or use of fireworks in a county if the risk of fire, measured by the energy release component, is at or above the 90th percentile. The bill allows the governor to extend the proclamation beyond 30 days if drought conditions warrant. The bill also allows mayors or the board of county commissioners in a given municipality or county to petition the governor to issues such a proclamation, which would give the governor 72 hours to take action. If no action is taken by the governor, the bill would permit the mayor or board of commissioners to issue their own proclamation, which would carry the same legal force as one issued by the governor.

This bill contains an emergency clause and would become effective immediately on signature by the governor.

## **FISCAL IMPLICATIONS**

Neither the Energy, Minerals and Natural Resources Department nor the Attorney General's Office identified any fiscal implications for their agencies.

## **SIGNIFICANT ISSUES**

According to the Energy, Minerals and Natural Resources Department, this bill could aid the governor in working to reduce the risk of wildland fires caused by improper use of fireworks. However, the agency's analysis highlights that, as written, a ban on the sale and use of fireworks would also include a prohibition on approved public fireworks displays. The result of canceling approved public fireworks displays might mean that personal fireworks are used instead.

The Attorney General's office mentioned that many smaller municipalities have a council-manager governance structure and lack a "mayor" position. NMAG suggested amending the language to specify that a municipality's mayor or city manager can make a proclamation.

SS/al/hg