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FISCAL IMPACT REPORT

ORIGINAL DATE 02/12/13
 LAST UPDATED 03/08/13 **HB** 464/aHBIC

SPONSOR Tripp

SHORT TITLE Add Fireworks That May Be Banned **SB** _____

ANALYST Clark

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		
	NFI			

(Parenthesis () Indicate Revenue Decreases)

Relates to HB 373

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

Public Regulation Commission (PRC)

SUMMARY

Synopsis of HBIC Amendment

The House Business and Industry Committee amendment replaces two instances of “shall” with “may” to provide flexibility to counties and municipalities regarding specific restrictions to include in the governing bodies’ proclamations banning fireworks.

Synopsis of Original Bill

House Bill 464 amends Section 60-2C-8.1 NMSA 1978 to remove the list of specific aerial fireworks -- missile-type rockets, helicopters, aerial spinners, and stick-type rockets -- that counties and municipalities may ban during extreme or severe drought conditions and replaces the descriptions with the more-encompassing term “aerial devices.”

FISCAL IMPLICATIONS

There are no significant fiscal implications.

SIGNIFICANT ISSUES

This bill expands the ability to ban aerial fireworks during a severe drought. The PRC's Fire Marshall Division reports this could include aerial shells, reloadable tubes, mines, multiple tube devices, and roman candles.

The DOH includes the following information in its analysis.

Due to extreme drought conditions prevalent in New Mexico, activities that create fire risk are being reevaluated. The U.S. Geological Survey indicates that the majority of the state is below normal for stream flow, and several counties in the Northeast are identified as severe hydrologic drought conditions. Because of these conditions, there is a high probability of fires and injuries among the general public when aerial fireworks are used in a private setting. The National Fire Prevention Association (NFPA) actively promotes the use of fireworks in commercial displays exclusively, discouraging any purchase and use by the general public. The data demonstrates the rationale for the policies proposed by NFPA regarding this nation-wide issue:

- In 2010, fireworks caused an estimated 15,500 reported fires, including 1,100 total structure fires, 300 vehicle fires, and 14,100 outside and other fires.
- In 2010, fireworks resulted in an estimated eight reported deaths and \$36 million in direct property damage.
- On Independence Day in a typical year, far more U.S. fires are reported than on any other day, and fireworks account for two out of five of those fires, more than any other cause of fires. Fifty-nine percent of all fires caused by fireworks occur on the 4th of July holiday weekend, according to the NFPA.

The Southwest Region experienced a record wildfire season in the summer of 2011, with the largest fires in history recorded in Arizona and New Mexico. Smoke impacts from the fires were widespread. Wallow, the most notable fire for the 2011 season, originated in Arizona; however, Taos, Los Alamos, and White Rock communities were impacted. The year 2012 was also one of the most active fire seasons on record in New Mexico and the southwestern United States. The massive Whitewater-Baldy Fire consumed more than 300,000 acres alone, thus becoming the largest fire in New Mexico history. The amount of smoke from the fire was unusually high due to the dense coniferous forests which were impacted, causing very low air quality conditions across a large area of western New Mexico. The Whitewater fire almost doubled the acreage consumed by the Las 2011 Conchas Fire, which destroyed over 156,500 acres. The risk of fires in 2013 is anticipated to be very high in New Mexico due to severe drought and lower than average snowfall to date.

Wildfires can quickly change air quality in New Mexico and can cause short-term health effects such as eye, nose, throat, and lung irritation; coughing; sneezing; runny nose; and shortness of breath. Exposure to fine particles can also affect lung function and worsen medical conditions such as asthma, emphysema, and heart disease. Scientific studies have linked increases in daily particulate matter exposure with increased respiratory and cardiovascular hospital admissions, emergency department visits, and deaths.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The DOH reports this bill relates to HB 373 which proposes to repeal and replace the Fireworks Licensing and Safety Act, Section 60-2C-8.1 NMSA 1978.

JC/blm