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FISCAL IMPACT REPORT

SPONSOR: Herrera DATE TYPED: 02/10/03 HB 454

SHORT TITLE: Sale of Fireworks SB _____

ANALYST: Gilbert

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Relates to: SB 204

SOURCES OF INFORMATION

LFC Files

Responses Received From

Energy, Minerals and Natural Resources Department (EMNRD)

Attorney General's Office (AGO)

State Land Office (SLO)

SUMMARY

Synopsis of Bill

House Bill 454 authorizes counties and municipalities, by ordinance, to ban or restrict the sale or use of fireworks. It also further limits the times during which fireworks may be sold.

Significant Issues

Existing statutes preempt counties and municipalities from restricting or banning the sale or use of fireworks except following a proclamation declaring severe drought conditions. This bill authorizes counties and municipalities to exercise their police powers to enact ordinances that are more restrictive than state law.

HB 454 does not include an emergency clause.

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

SB204 eliminates the definition of wildlands and repeals Section 60-2C-8.1.

TECHNICAL ISSUES

According to EMNRD, this bill should include an emergency clause because it could take effect a few days before the Independence Day Holiday. If not corrected, the law could take effect after sales of fireworks were permitted but before their intended use. This would complicate efforts to educate the public and enforce the act.

RLG/prr/njw