

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 14, 2003**

**TO:** Honorable Helen Giddings, Chair, House Committee on Business & Industry

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB693** by Gallegos (Relating to the use of flame effects and pyrotechnics before an assembly; providing a penalty.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would require that the use of flame effects and/or pyrotechnics before an assembly of 50 or more people must comply with National Fire Protection Association (NFPA) standards 1126 and 160. If the flame effects or pyrotechnics are used inside a building, the building must contain a complete operational fire-sprinkler system or provide personnel to implement a standby fire watch and an announcement must be made to the assembly to let them know about the flame effects and pyrotechnics, the sprinkler alarm system, and where exits are located.

The bill would require that the plan mandated by NFPA standards be provided to the local authority having jurisdiction (fire marshal, or fire district chief executive if there is no fire marshal, or state fire marshal or the state fire marshal's designee if there is neither a county fire marshal nor a fire district). At least one each Texas pyrotechnic special effects and flame effects operator's licensee must be present on-site the duration of the event and must enforce compliance with NFPA standards.

The state commissioner of insurance would be required to set and collect an annual flame effects operator's license fee in an amount not to exceed \$100. To obtain a license, the applicant must pass an exam and meet requirements set by the commissioner through the state fire marshal's office. The applicant would be charged a nonrefundable initial examination fee of \$30 and a nonrefundable fee of \$20 for each reexamination.

Evidence of an appropriate insurance policy must be provided to obtain a permit for using flame effects or pyrotechnics. The local authority would be authorized to adopt regulations for governing the issuance of use permits and would be authorized to charge a fee to recover costs.

A violation of the requirements for use and obtaining a permit for the use of flame effects and/or pyrotechnics is a Class A misdemeanor, for which the court venue would be the county in which the offense occurred or in Travis County.

The bill would take effect September 1, 2003.

Because the provisions of the bill would place most compliance requirements on licensees and would allow fees to be charged by the state and local authorities for licensing and permitting processes, costs incurred by the state and the local government entities would be recouped. In the event of a violation, courts would experience associated costs; the cost would be insignificant although the courts in Travis County could experience a disproportionate increase if there are several cases in which venue is transferred to Travis County from throughout the state.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 411 Commission on Fire Protection, 454 Department of Insurance

**LBB Staff:** JK, JRO, DLBa, RR, JB