

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

March 14, 2003

TO: Honorable Bill Ratliff, Chair, Senate Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB693 by Gallegos (Relating to flame effects and pyrotechnics before an assembly.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would prohibit the use of flame effects and/or pyrotechnics before an assembly of 50 or more people unless approval is given by the designated approving authority. The approving authority would be the fire marshal or the chief executive of the local fire district if there is no fire marshal. If the county has neither, the county sheriff would be designated the approving authority. The approving authority would be authorized to promulgate standards, codes, or regulations regarding the requirements necessary to acquire a permit for the use of flame effects and/or pyrotechnics before an assembly. Upon promulgation, fire prevention or law enforcement personnel would be required to be present as a standby fire watch in certain circumstances. Existing related municipal and county rules and regulations would not be invalidated by the provisions of the bill.

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.

Local Government Impact

Based on information provided by various fire marshals and sheriffs and the State Association of Fire and Emergency Districts, if the approving authority is authorized to charge a fee for permits, the costs may offset some of the expenses; however, the affected county or district would incur costs for overtime for staff required to serve as a fire watch. The fiscal impact of incurred costs would vary in level of significance based on the number and size of applicable assemblies held annually and whether or not the approving authority can charge permit fees and limits on those fees. Further, if violations from counties statewide were to be held in Travis County, the Travis County court system could incur significant costs depending on the number of offenses tried.

Source Agencies: 405 Department Of Public Safety, 411 Texas Commission On Fire Protection, 454 Department Of Insurance

LBB Staff: JK, RR, JB, DLBa