

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 26, 2007

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Tom Craddick, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB539 by Smith, Wayne (Relating to the regulation of fireworks and fireworks displays.),
Conference Committee Report

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to add to statute which items are not permissible fireworks. The bill would also expand the membership of the advisory council appointed to assist the Texas Commissioner of Insurance in enforcing the provisions of Chapter 2154, to include a member of a county fire marshal's office.

The minimum age of a person to whom fireworks may be sold would be increased from 12 to 16. A person younger than 16 years of age would not be allowed to be employed to manufacture, distribute, sell, or purchase fireworks unless the person is a member of the owner's immediate family, is at least 12 years of age, and is accompanied by another person who is at least 18 years of age. A violation would be a Class C misdemeanor, which is punishable by a fine not to exceed \$500. The improper selling, storing, or displaying of fireworks would also be a Class C misdemeanor.

The bill would amend the Local Government Code to require the Texas Forest Service to make its services available each day during the Fourth of July and December fireworks seasons to respond to requests from counties for a determination whether drought conditions exist on average in the county.

The addition of items that are not permissible fireworks would take effect January 2, 2008. Otherwise, the bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

It is assumed that the Texas Forest Service could provide the required services using existing resources.

Local Government Impact

Expansion of which fireworks are not permissible by statute and changes in age of persons who may purchase, buy, manufacture, or sell fireworks could result in an increase in costs associated with enforcement, although it is assumed that those costs would be offset somewhat by fines imposed.

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

Source Agencies: 576 Texas Forest Service

LBB Staff: JOB, DB