

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 16, 2009

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

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

IN RE: HB1752 by Leibowitz (Relating to county regulation of fireworks during severe drought conditions.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to add to the definition of restricted fireworks to include certain prohibited devices and to add fireworks restrictions under severe drought conditions. The Texas Forest Service would be required to determine whether severe drought conditions exist and take the same actions related to severe drought as to drought conditions.

The bill would add Cinco de Mayo to the specific days for which the Texas Forest Service would be required to provide its services to respond to the request of any county for a determination whether drought conditions exist on average in the county, and would add those services to be offered for all listed days for determining when severe drought conditions exist.

The bill would authorize a county commissioners court, when a determination that severe drought conditions exist, to by order prohibit or restrict the sale or use of restricted and prohibited fireworks in the unincorporated area of the county. In addition, during the December fireworks season, the commissioners court would be authorized to restrict or prohibit the sale or use of restricted and prohibited fireworks in specified areas when conditions on rural acreage in the county not under cultivation for a period of at least 12 months are determined to be extremely hazardous for the danger of fire because of high grass or dry vegetation. A violation of these prohibitions would be a misdemeanor offense punishable by a fine not to exceed \$1,000.

Based on analysis from the Texas Forest Service, it is assumed that responsibilities associated with provisions of the bill could be absorbed within existing resources.

To the extent sales of fireworks are prohibited, there could be a reduction in tax revenue. To the extent that violations occur and are prosecuted and punished, there could be revenue generated from court costs and fines.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 576 Texas Forest Service

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