

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 9, 2013

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3429 by Lucio III (Relating to the regulation of fireworks during a drought and under a declaration of local disaster.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to authorize the commissioners court of a county to prohibit or restrict the sale or use of certain fireworks in the unincorporated area of the county that is under certain drought conditions determined by the Texas Forest Service (TFS). During December fireworks season, a county could not restrict or prohibit the sale or use of fireworks in specified areas when conditions on rural acreage in the county not under cultivation for at least 12 months.

An offense for a violation would be a Class C misdemeanor. A Class C misdemeanor is punishable by a fine of not more than \$500. A civil action against a county based on the county's actions must be brought in a Brazos County court if the action includes a contested fact issue regarding the existence or accuracy of a drought condition determination by the TFS.

The bill would repeal Section 418.108 (i) of the Government Code.

According to the TFS, no fiscal impact to the Texas A&M Forest Service is anticipated

Local Government Impact

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact. No significant fiscal impact is anticipated.

Source Agencies: 576 Texas A&M Forest Service

LBB Staff: UP, AG, TP