

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 226

As Recommended by Senate Committee on
Federal and State Affairs

Brief*

SB 226 would enact new law and amend current law concerning fireworks. Specifically, the bill would:

- Authorize the State Fire Marshal or local law enforcement to seize fireworks that are stored, possessed, or transported in violation of either the Kansas Fireworks Act or any State Fire Marshal regulation;
- Direct the process for the inventory of the seized fireworks and for the destruction of the seized fireworks;
- Direct the process for a hearing pursuant to the Kansas Administrative Procedure Act;
- Allow the State Fire Marshal or the Fire Marshal's authorized representative to apply to the applicable court for an emergency order authorizing the State Fire Marshal or authorized representative to destroy or dispose of fireworks that are an immediate danger to the public safety, health, or welfare;
- Establish a civil penalty not to exceed \$1,000 for the failure to obtain a license. (Each day the violation continues would be deemed a separate violation);

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Establish a civil penalty not to exceed \$1,000 for all other violations. (Each day the violation continues following written notice would be deemed a separate violation);
- Require fees collected from civil penalties to be deposited into the State General Fund;
- Establish the Explosives Regulatory and Training Fund;
- Require non-civil penalty proceedings under the Kansas Fireworks Act to be conducted in accordance with the Kansas Administrative Procedure Act; and
- Provide that fees collected under the Act would be credited to the Explosives Regulatory and Training Fund.

Background

The Senate Committee heard testimony in support of the bill by the State Fire Marshal and a representative of the Kansas Fireworks Association.

The fiscal note provided by the Division of the Budget indicates passage of the bill would have no impact on State Fire Marshal operations, but there would be an increase to the State General Fund because of the two new civil penalties. The Office of Judicial Administration states that enactment of the bill could result in the collection of additional docket fees and penalties. The League of Kansas Municipalities states enactment could have a fiscal effect on cities, but the exact effect cannot be estimated.