

SESSION OF 2006

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2245**

As Amended by House Committee on
Appropriations

Brief*

Sub. for HB 2245 would create the Kansas Fireworks Act under the authority of the Office of the State Fire Marshal.

The bill would require persons who intend to sell fireworks or articles pyrotechnic or to discharge display fireworks or articles pyrotechnic to obtain a license from the State Fire Marshal. License types include manufacturers, hobbyist manufacturer, distributor, display fireworks operator, and proximate pyrotechnic operator. All licensees would be required to be at least 21 years of age prior to applying for the license. Licenses would not be transferable.

The bill would allow the State Fire Marshal to charge license and permit fees. All fees would be remitted to the Fire Marshal Fee Fund. Fees shall not be charged to persons employed by or acting on behalf of the state or a political or taxing subdivision. License terms and fees would be as follows:

- Manufacturer license: valid for a period of one year and fees would be not be less than \$400 or more than \$600.
- Hobbyist manufacturer license: valid for four years and fees would be not be less than \$50 or more than \$80.
- Distributor license of consumer, display and articles pyrotechnic: valid for one year and fees would be not be less than \$300 or more than \$500.
- Display fireworks operator license: valid for four years and fees would be not be less than \$40 or more than \$80.
- Proximate pyrotechnics operator license: valid for four years and fees would be not be less than \$40 or more than \$80.

*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>

Permits to conduct a fireworks display would be required to be obtained from the local municipality where the display would take place.

The bill would allow the State Fire Marshal to deny, suspend, revoke, or refuse any license or permit if the applicant or permit holder violates this act or the fire prevention code, has been convicted of a felony, has failed to properly supervise persons involved in a fireworks display, has provided false information on a license or permit application or has represented information on such application.

The bill would require the owner of a display fireworks storage facility to obtain a storage permit from the State Fire Marshal for permanent or temporary storage. The permit would be valid for four years and the Fire Marshal would be allowed to charge a fee of not less than \$25 or more than \$75 for this permit.

The bill would give the Fire Marshal rule and regulation authority, authority to incorporate national fire prevention codes, and allow current regulations covering fireworks to remain effective until amended pursuant to this law.

The Act would take effect on January 1, 2007.

Background

The 2005 House Appropriations Committee recommended a substitute bill to incorporate amendments suggested during hearings on the bill. As introduced, the bill would have prohibited anyone under the age of 16 from selling or purchasing fireworks and would have prohibited such persons from discharging fireworks unless supervised by an adult. The Committee also deleted language that was unnecessarily duplicative of the Fire Marshal's current statutory or regulatory authority.

Proponents appearing on the bill included the State Fire Marshal and the Kansas Fireworks Association who proposed amendments to the bill. No opponents appeared on the bill.

During the 2006 Legislative Session, the bill was rereferred to the House Appropriations Committee. After the hearing on the bill, the Committee amended the bill regarding allowances for a license being denied, suspended, revoked or refused. The bill also was amended to specify that persons employed by or acting on behalf of the state or

a political or taxing subdivision shall not be charged licensure fees. The Committee changed the effective date to January 1, 2007.

The fiscal note on the original bill was written during the 2005 Legislative Session. It indicates that activities in this bill would generate \$46,790 in additional fees from the sale of licenses and permits and require expenditures of \$60,343 from the Fire Marshal Fee Fund and 1.0 FTE position (two half-time positions) in FY 2006. According to the fiscal note, these duties were formerly performed by positions funded by a federal grant that was not renewed for FY 2006.